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COLUMBIA JOURNALISM REVIEW

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out on
Mexico

Trashing the FOIA

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● To assess the performance of journalism in all its forms, to call attention to its shortcomings and strengths, and to help define — or redefine — standards of honest, responsible service . . . to help stimulate continuing improvement in the profession and to speak out for what is right, fair, and decent ●

Excerpt from the *Review's* founding editorial, Autumn 1961

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CHRONICLE

The New Mexican's Indian War

A sign at the entrance to the Santo Domingo Indians' reservation, near Santa Fe, New Mexico, proclaims: "Absolutely no picture taking." According to the tribal council, for more than half a century the pueblo has banned photography of its village and lands in an effort to protect its civilization from the prying eyes of outsiders. The ban was generally honored by local journalists until last January, when Michael Heller, a staff photographer for the Santa Fe *New Mexican*, flew over the pueblo in an airplane and took pictures of Indian dancers performing a sacred ritual. After Heller's photos were published in *The New Mexican*, accompanied by a caption describing the ceremony as a "pow-wow," the Santo Domingos' governing council filed a multimillion-dollar lawsuit against the paper, alleging trespass, violation of tribal laws, and invasion of privacy.

The controversial \$3.65 million lawsuit pits the Indians' right to practice their religion in private against the newspaper's right

to gather what it considers news. One of the key issues in the case is whether the ceremony was, in fact, "news," and who is empowered to decide what news is.

The Indians maintain that they were entitled to privacy at the ceremony and charge that the fly-over disrupted their religious service. In legal briefs filed by their lawyers, they say that Heller's plane noisily circled the village, flying a mere 250 feet above the dancers' heads, thus violating Federal Aviation Administration minimum-altitude regulations. They argue further that the press, despite its mandate to collect news, "may not be privileged to physically intrude into a private area not open to the public to obtain photographs." While acknowledging that the media might have the right to take aerial photographs of the pueblo if there was a truly newsworthy event such as the collapse of a nearby dam, the Indians contend that, since the dance was not newsworthy, Heller's intrusion was unjustifiable.

"The right of freedom of the press, the right of the public to be informed, are all relative," attorneys for the Indians argued. "They are dependent 1) on the social value of the facts published, 2) the depth of the intrusion into private affairs, and 3) the extent to which the party voluntarily acceded to a position of public notoriety."

Lawyers for *The New Mexican*, a Gannett paper, countered by claiming that the pueblo had waived any legitimate expectation of privacy by opening the January 21 dance to onlookers, and accused the pueblo of "trying to draw ex post facto a private veil around a public event." (Reports indicate that as many as eighty non-Indians — some of them invited guests, others tourists — may have watched the ceremony.) *The New Mexican's* lawyers also cited as evidence some one hundred photographs of the pueblo, which they claim cast doubt on the tribe's assertion that it had banned photography. Moreover, *The New Mexican* insisted that the dance was a newsworthy event. Even if the Indians are hostile to publicity, the lawyers argued, they have become "a legitimate subject of public interest" and journalists should be permitted to satisfy the public's curiosity about them.

The lawsuit is complicated by the special status Indians enjoy. Attorneys for the Santo Domingos assert that federal law preserves for the pueblo special rights, including "the exclusive power to control [its] own affairs and, in many respects, the conduct of others within [its] lands." Thus, the Santo Domingos argue, on Indian lands or even in the airspace above them, tribal laws — including the banning of photographs — must be obeyed as if they were state or federal laws.

Another unusual aspect of the case is the fact that those journalists in the state who have taken public positions on the issues have backed up the pueblo instead of defending the paper on First Amendment grounds. The president of the New Mexico Press Photographers Association, Neil Jacobs, has filed an affidavit supporting the pueblo's position, as has former *New Mexican* editor Tony Hillerman. Jacobs, a photographer with the *Albuquerque Journal*, claimed that the Indians'

Publicity shy: When a photographer for the Santa Fe *New Mexican* took unauthorized pictures of an Indian pueblo, the tribe sued, charging invasion of privacy.



Tony O'Brien/Picture Group

HOW TO TALK TO TEENAGERS ABOUT DRINKING AND DRIVING.

KEEPING OUT OF HARM'S WAY.

Teenagers can get into a lot of trouble with alcohol. Even teenagers who don't drink. Often they aren't aware of the facts.

A new view of the statistics shows where part of the problem lies, and can lead to a better communication between adults and teenagers.

Teenagers are in the high-risk group. People between the ages of 16 and 24 represent only 20 percent of the licensed drivers of our country. But that same group is involved in 42 percent of all the alcohol-related fatal crashes. When you think about that, two tragic things are revealed:

First, not all teenagers killed in such accidents are themselves drunk at the time. Often they have had nothing to drink at all, but are passengers in cars driven by teenagers who have been drinking.

Second, teenagers are often on the roads late at night, especially on weekends, when most crashes involving alcohol occur. They are targets for cars driven by people who have had too much to drink.

Some facts about alcohol you might want to discuss with teenagers are often surprising to adults:

- One can of beer, as well as one eight-ounce glass of wine, and one 1½-ounce drink of 86-proof liquor are all equally intoxicating. The risk is the same regardless of what you've been drinking.

- The legal definition of intoxication is based on "Blood Alcohol Concentration" or "BAC." If you have a BAC of .10, you are legally drunk in most states. But for drivers or drinkers who are less experienced, a BAC of .05, or sometimes lower, can be dangerous.

- Even relatively low levels of alcohol can reduce your tolerance to injury, increasing the danger in an accident.

Arm your teenagers with the facts and give them time to reflect on them.

If expected to show good judgment, teenagers are more likely to live up to it.

Please discuss the problem of drinking and driving with your teenagers now, and if you think this advertisement will help, ask them to read it.

And keep in mind, that the best way to teach young people—as they may tell you—is by example.

The people of General Motors care, and urge teenagers, and their parents, to give serious thought to the dangers of drinking and driving. It's something we all can do.

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restriction on picture-taking should have been well known to journalists in the state, stating that "it is safe to say that a responsible professional photographer in this area would contact the governing officials of a pueblo prior to taking or publishing photographs of a ceremonial event." Hillerman, now a professor of journalism at the University of New Mexico, says the incident may be attributable to the paper's out-of-state corporate management. "Gannett has placed people unfamiliar with the area in key editorial positions," he says.

At one point both sides hoped to sidestep the complicated legal issues raised by the lawsuit by negotiating an out-of-court settlement addressing the need for more sensitive coverage of Indian affairs. After four months of negotiations, an agreement was finally reached on September 14, 1984. The pueblo agreed to drop its claim for monetary damages in exchange for a public apology and a promise by *The New Mexican* to destroy Heller's negatives, assign at least one reporter to become informed about Indian affairs, hire a pueblo Indian as a summer intern, and, "at its discretion," offer the pueblo free advertising space.

The era of cordial relations was short-lived. A news story that ran in the paper on the same day as the apology infuriated the Indians. The story, by *New Mexican* editor Larry Sanders, quoted tribal governor Ramon Garcia as saying that one of the reasons the pueblo objected to the publication of Heller's photographs was because they might reveal the location of the pueblo to "Russian spies." Attorneys for the pueblo, while acknowledging that the quotation was accurate, described the article as "a calculated attempt to hold the pueblo up to ridicule" and said that its publication showed that *The New Mexican's* professed desire to improve its relations with the Indians was insincere. The newspaper's attorneys responded that the paper had more than complied with the agreement by prominently publishing the apology on its editorial page and insisted that what the paper reported in a news story was outside the realm of the settlement.

On October 5, finding that statements in the news story were "inconsistent" with the apology the pueblo had bargained for, U.S. District Court Judge Santiago Campos granted the pueblo's request to throw out the settlement and reopen the lawsuit. The pueblo's attorneys now say that, if necessary, they will take the case to the Supreme Court.

Linda Drucker

Linda Drucker is a reporter for the Albuquerque Journal.

Last roundup for the Cattlemen's Gazette?

The January 10, 1984, issue of *The Primrose and Cattlemen's Gazette* must have made publisher Roderick Elliott proud. Its ninety-six tabloid pages were full of four-color advertisements and lively articles on a wide range of subjects of interest to farmers and ranchers. Elliott had come a long way since starting his paper in Brighton, Colorado, in September 1974 with little money and little prior experience as a publisher. Now he seemed poised for a triumphant tenth-anniversary celebration.

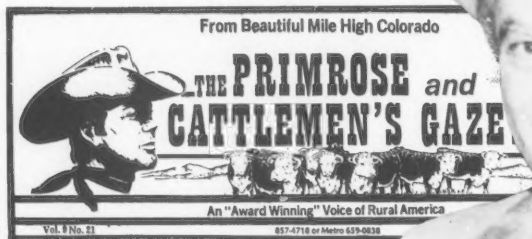
As it turned out, neither Elliott nor his irregularly published paper had much to celebrate. By spring, what had been scattered criticism of the *Gazette's* political bent turned into a criminal investigation. On September 20, investigators representing Colorado's attorney general obtained a warrant to search the paper's offices, and a week later Elliott, his wife, Karla, and their National Agricultural Press Association were charged with eighteen counts of stealing a total of \$279,300 from ten NAPA members, and one count of conspiring to commit theft.

While the fifty-seven-year-old Elliott has touted himself as one of the last defenders of America against big government, international Jewish bankers, trilateralists, and other "traitors," his critics say that he is the latest in a long line of right-wing crusaders who have attempted to cash in on the des-

perate economic plight of many farmers. "He represents the most successful example in recent years of snaring farmers in need of immediate economic assistance and plugging them into his right-wing dogma," says Daniel Levitas, a research consultant with Rural America, an Iowa-based farmers' advocacy group.

Elliott used a combination of preaching, rabble-rousing, salesmanship, and the promise of relief from the squeeze of high interest rates and low crop prices to convince thousands of discouraged farmers and ranchers in at least nine states to join his National Agricultural Press Association and subscribe to his newspaper. "People are looking for anyone who can help them," Levitas says, referring to the sorry state of the farm economy. "One farmer told me, 'I don't care if [Elliott] is a Nazi. If he has information that can help me, I'm going to his meeting.'"

It was at a series of organization meetings in Colorado, Kansas, Minnesota, Wisconsin, North Dakota, Iowa, and Georgia in 1983 that Elliott began promoting the newly founded NAPA. For their \$20 annual dues, members received a membership certificate ("signed and containing our NAPA constitution"), a press card ("to use as our personal representative to any official meeting where members of the press are a part



Populist or con man? Publisher Roderick Elliott crisscrossed the country offering aid to farmers who joined his press association . . . until he was indicted for theft.



Wide World

An occupational hazard

What promises to be a landmark case in the field of libel law began unfolding in the Federal District Court in New York recently. General William C. Westmoreland, who commanded U.S. forces in Vietnam from 1964 to 1968, is suing CBS for \$120 million (which he will donate to charity if he wins), charging he was libeled by the CBS documentary, "The Uncounted Enemy: A Vietnam Deception," shown on January 23, 1982. Other defendants, in addition to CBS, are Mike Wallace, the interviewer on the show; George Crile, the producer; and Samuel A. Adams, a former Central Intelligence Agency analyst who served as a consultant.

We don't know whether CBS and the individuals involved did indeed libel General Westmoreland, nor do we intend to comment on the details of the case. Rather, our concern is with a seemingly ancillary issue we feel actually transcends in importance the case itself—the right of an individual like General Westmoreland to have his day in court, and to be able to present his case fairly without undue legal obstacles to his success.

General Westmoreland had a distinguished 36-year military career. He was an infantry officer in World War II; in Korea he led paratroops, and at 42 was the youngest major general in the Army. He was superintendent of West Point at 46, and wound up his career, after his Vietnam command, as Army Chief of Staff. His service to this country won him the Distinguished Service Medal, Bronze Star, Legion of Merit, and Air Medal. It also won him, during his career, the status of a "public official." What it did not win him was great wealth. Army officers seldom get rich.

So General Westmoreland, feeling that the reputation he had established during 36 years of public service had been left in tatters by the telecast, turned to the courts for redress. In doing so, he faced two major hurdles:

- The U.S. Supreme Court has ruled that public officials and public figures (generals, mayors, congressmen, prominent businessmen and actors have been held to fit these categories) must prove, in libel cases, that the statements made about them were false. They must also prove that the parties defaming them did so knowing the statements were false or made "with reckless disregard" of whether they were false or not. This is a much greater burden of proof than the ordinary citizen has, who is only required to prove negligent falsity.

- The General's second obstacle was the nature of his opponent—a major corporation with deep pockets (presumably including libel insurance) well able to afford teams of lawyers and other counsel. Legal expenses in the case have so far totaled almost \$4 million.

Representing General Westmoreland is the Capital Legal Foundation, a public-interest law firm supported largely by grants from foundations and individuals. We don't know if their resources are adequate to provide General Westmoreland with the kind of representation to which he—and any other citizen—is entitled. We understand that private citizens, Vietnam veterans' organizations (with which General Westmoreland is not associated), and foundations have contributed to the Capital Legal Foundation's efforts on his behalf. If you wish to join this effort, send a check to the foundation at 700 E Street, S.E., Washington, D.C. 20003.

But what about other public officials, some of whom serve in relatively humble posts? Their positions may make them ready targets for libel, but the heavy burden of proof they face makes them second-class citizens.

How to make justice more readily attainable? In the best of all possible worlds, the U.S. Supreme Court would redefine the standards it applies to public officials and public figures. Other industrialized nations, such as the United Kingdom, don't apply such heavy burdens of proof in libel cases. But in the practical world, why not simply recognize that public officials face an occupational hazard—libel? And why not deal with it just as we deal with so many other hazards of the workplace?

Employers now provide medical insurance, dental insurance, workmen's compensation insurance, and disability insurance. We believe all public officials—generals, admirals, firemen, police officers, rubbish collectors—should be covered by insurance to allow them to sue for libel. Perhaps the employers should pay the premium (we at Mobil have taken out such insurance on behalf of key employees). Or perhaps the system should be government-financed, since the government, through its judicial arm, has stripped public officials of some of their civil rights.

No one should have the rights of citizenship diminished because he plays an active role in the system. That should be the lasting lesson of the Westmoreland case.

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thereof"), a car-window press sticker ("which will let the world know that you are a part of an organization that still believes this nation belongs to each individual of this land, and not to those of government"), and a subscription to the *Gazette*. It is unclear what journalistic role Elliott hoped NAPA members might play. "I intend to take that \$20," Elliott wrote in the April 19, 1983, edition of the *Gazette*, which announced the formation of the NAPA, "and bank it, and protect it, and return that money to our agricultural communities to insure protection of our farm lands and our private property from government control. . . ."

By last June, Elliott claimed more than 20,000 NAPA members, and, according to an ownership statement filed with the U.S. Postal Service in October 1983, the *Gazette* had just over 17,000 paid subscribers.

At his numerous meetings with farmers, Elliott advocated a string of legal maneuvers to help them stave off foreclosure, including the filing of *pro se* (without an attorney) suits and common law liens. Iowa State University economics professor Neil E. Harl, among others, dismisses Elliott's recommendations as "ludicrous" and "totally and completely off the mark." Nevertheless, such suits were filed. Ray Brummet, general counsel of the

Federal Land Bank of Wichita, says that in his four-state region he knows of about thirty-five suits apparently based on Elliott's strategies. To date, says Brummet, none of the suits has been successful.

Criticism of Elliott and the *Gazette* first surfaced in 1981, when officials in the moun-

**'In the Gazette,
you would find hate pieces
interspersed with
articles on how to
take care of sheep.'**

Barbara Coopersmith
Anti-Defamation League

tain states regional office of the Anti-Defamation League of B'nai B'rith were alerted to what they regard as the paper's anti-Semitic content. Elliott has published several articles widely considered to be anti-Semitic, including a series written in 1920 by Henry Ford, Sr., entitled "How the Jewish Question Touches the Farm." And Elliott has added his own voice as well. In one article he suggested that since, in his view, such

Jewish organizations as the ADL represent an ethnic group with loyalties to two nations, they should be required to register as foreign agents. "We all have civil rights," he wrote in the May 23, 1983, *Gazette*. "But when such groups start meddling in a way that causes cruelty to the masses . . . there should be a halt to their activities."

Elliott does not limit his criticism to Jews, however. According to a newspaper account of a meeting he arranged with farmers in Wisconsin last May, he referred to Japanese-Americans as "those slant-eyed buggers" and said that "the only thing we have a surplus of is Cubans and Mexicans."

Still, the *Gazette's* pages have been devoted largely to articles about agricultural topics. "It was the strangest thing," says Barbara Coopersmith of the ADL. "Usually these kinds of publications are filled with nothing but hate material. But in the *Gazette* you would find hate pieces interspersed with articles on how to take care of sheep." (Elliott, who declined to be interviewed, has denied that he is anti-Semitic, describing himself as "extra-ultra conservative.")

By mid-1984, lengthy accounts of Elliott's apparently empty promises and dubious legal advice had appeared in the *St. Louis Post-Dispatch*, the *Denver Post*, and the *Minne-*



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apolis Star and Tribune. In addition, a piece in the Rochester, Minnesota, *Post-Bulletin* revealed that, in the early 1960s, Elliott had been convicted of perjury and of passing a bad check and had served two years in a Utah prison.

In June, IRS agents raided the *Gazette's* offices to seize property to help settle what they said was a \$76,000 bill for back taxes. In September, Colorado state investigators searched the paper's offices. A week later, the nineteen charges were filed against Elliott, his wife, and the NAPA. (In October, an additional count of theft, this one involving \$5,000, was filed.)

Since then, the *Gazette* has not appeared and the future of the paper and the National Agricultural Press Association seems uncertain at best. Levitas and other critics fear that, even if Elliott's career as a publisher is over, others will step in to take his place. "There aren't many Jewish voters in the countryside," says Dave Carter of the Rocky Mountain Farmers Union, another farmer advocacy group, "and it's easy to hate someone when they're not your next-door neighbor."

Bryan Abas

Bryan Abas is a free-lance writer living in Colorado.

Tit for tat in Tuckahoe

Once a month, in Tuckahoe, New York, employees of the Department of Public Works distribute an eight-to-twelve-page newsletter written by Mayor Philip P. Tobin. Democrat Tobin says he has taken to writing the village bulletin because the 6,300 residents of Tuckahoe, a Westchester County suburb of New York City, are often ignored by *The Eastchester Record*, a weekly owned and published by Republican Ralph Martinelli.

Martinelli says that the ninety-three-year-old, 7,000-circulation *Record* well serves Tuckahoe and the neighboring communities of Bronxville and Eastchester; but according to Tobin, a Manhattan attorney who often represents The Newspaper Guild, the *Record* is deficient in its coverage of Tuckahoe and is biased in favor of Martinelli's Republican cronies.

The dispute dates back to 1982, when Tobin became one of the first Democrats elected to Tuckahoe's board of trustees in fifteen years. At that time, the *Record*, which often promotes local Republican politicians with news stories and large photo spreads, regularly carried page-one stories about Tuckahoe board meetings. Most of the unbylined pieces

liberally quoted Republican Mayor Philip White while rarely offering dissenting views from Tobin or other Democrats. A year later, in March 1983, Tobin unseated the incumbent White and promptly convinced the new, largely Democratic village board to transfer its legal advertising from the *Record* to *The Reporter Dispatch*, a Gannett-owned daily in nearby White Plains.

The *Record* responded with one of its few references to Mayor Tobin to date. A 48-point page-one headline declared: MAYOR TOBIN MAKES FIRST BIG MISTAKE. The accompanying article charged Tobin with using his office to try to "silence the editorial voice of a newspaper" and reproduced documents from a 1980 Audit Bureau of Circulations report which showed that Tuckahoe was not even in *The Reporter Dispatch's* primary circulation area. "Tobin tried to use the legal notices as a club, and I wasn't going to be clubbed," says Martinelli, who describes Tobin as "a very vindictive man." (According to Jim McGovern, research director at *The Reporter Dispatch*, in 1983 Tuckahoe was in the paper's primary circulation area. And Tobin says that the ads have drawn a

"How we perform determines how we're perceived. Simply put, good deeds precede good stories."

—Robert W. Lundeon
Chairman of the Board
The Dow Chemical Company

In recent years, several companies have issued "public interest reports" to highlight their contributions as socially responsible corporate citizens.

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CJR/Perry Werner



CJR/Perry Werner



Getting out the news: Once a month, village workers deliver a news bulletin to residents of Tuckahoe, New York, because Mayor Philip Tobin (inset left) says the village is poorly served by local newspaper publisher Ralph Martinelli (inset right).



The Eastchester Record

Banned in New Haven

The Jackson Newspapers of New Haven, Connecticut (the morning *Journal-Courier* and the evening *Register*), have never been known as cheerleaders for the women's movement. A recent editorial in the Sunday *Register*, for example, dismissed comparable-worth pay for working women as "an idea as full of holes as a sieve." A sex discrimination suit brought against the papers by eighteen female reporters and editors on behalf of 150 female newsroom employees has been working its way through the courts since 1975 with no settlement in sight. So female staff members were pleasantly surprised last August when a notice went up in the newsroom proclaiming that the recommendations of an ad hoc group known as the "cheesecake-beefcake committee" had become official policy. According to the memo from editor Donald Sharpe, the papers would no longer publish photographs that "depict women or men as sexual objects."

The issue first arose in the fall of 1983 after the papers ran photos of scantily clad young women. Several women reporters and editors composed a memo to Sharpe protesting the practice. It sat in a file until late in the winter, when the *Journal-Courier* published a page-two AP photo of a buxom Brazilian woman in a string bikini striking a sultry pose on the trunk of a car. "While we may be freezing here," the caption read, "in Brazil, they're having a heat wave as employee of a car plant in Sao Bernardo do Campo sweaters on town beach in 109 degree heat." A vigorous debate about the propriety of running the picture followed and editor Sharpe ultimately agreed to appoint a committee to recommend a new policy.

The panel, made up of three men and two women, began polling other newspapers about their policies concerning sexually provocative photos, but soon found that they were breaking new ground. According to metro editor and committee member Lynne DeLucia, most editors said that they follow general, unwritten "understandings" governing good taste.

In the end, the committee agreed to define "cheesecake and beefcake" photos as "gratuitous and sexually exploitative . . . [with] little or no news value . . . meant to titillate the reader." The statement recommended that the papers no longer print such photos and that the acting news editor be given the authority to decide whether photos conform to the new guidelines. In addition, the committee concluded that news photos of beauty

much larger response since they began appearing in *The Reporter Dispatch*.)

Since then, the *Record* has limited its coverage of Tuckahoe politics even further. And when village events are covered, Mayor Tobin is often ignored, while his predecessor, Philip White, now a trustee, receives wide play.

In an effort to better inform villagers, Tobin expanded the village bulletin, formerly a quarterly news sheet, into a monthly non-political newsletter that announces upcoming events and reports village board meetings and other news. Tobin says that he sees to it that Westchester County legislators and others concerned with village affairs, as well as the *Record*, receive the newsletter, which at about 2,500 copies each month costs the village only a few thousand dollars a year.

Last March, Republicans regained a three-to-two majority on Tuckahoe's board of trustees and the issue of which paper should receive the village's legal advertising was revived. Tobin suggested that the village use both the *Record* and *The Reporter Dispatch* in order to reach the widest audience possible. "It was meant to be an olive branch to

Martinelli, but I don't know if it was ever delivered," Tobin says.

Apparently, it was not. The board moved to rename the *Record* as the village's sole official newspaper and the paper has continued to limit its coverage of Tuckahoe politics. Most Tuckahoe news appears under the standing headlines TUCKAHOE POLICE BLOTTER and ON AND OFF THE RECORD, which lists the village's upcoming library programs. "We have problems getting people to cover the board meetings," Martinelli explains.

Martinelli does not believe that his dispute with the mayor will be resolved soon. Tobin comes up for reelection in March and plans to use direct mail and a door-to-door campaign to get his message to Tuckahoe voters. Meanwhile, Martinelli, who will undoubtedly support Tobin's Republican opponent as he has in the past, dismisses the mayor's accusations of inadequate coverage. "We've done so many wonderful things for [Tuckahoe], there's no point in defending our position," he says.

Stephanie R. Boyle

Stephanie R. Boyle is an editor at Outdoor Life magazine.

**'The Bagehot Fellowship taught me
just what I needed to know about business and
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Eileen White, reporter, The Wall Street Journal

**'The Bagehot Fellowship was extremely useful.
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Kathleen Stauder, business writer, Fort Worth Star-Telegram

THE BAGEHOT FELLOWSHIP

White, Willoughby, and Stauder were 1983-84 Fellows in the Bagehot Fellowship, an intensive program of study at Columbia University for journalists interested in improving their understanding of economics, business and finance. Guest speakers have included Paul Volcker, Donald Regan, Felix Rohatyn, Marina Whitman, John Kenneth Galbraith, David Rockefeller, Robert Reich, and J. Peter Grace.

The Bagehot Fellowship is open to journalists with at least four years' experience. Fellows receive free tuition and a living expense stipend. Westinghouse Broadcasting and Cable sponsors the Westinghouse Scholarship for a qualified broadcasting applicant. Time Inc. sponsors a scholarship for a qualified minority applicant. The deadline for the 1985-86 academic year is April 5. For further information, send in the form below.

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Bagehot Fellowship Program
Graduate School of Journalism
Columbia University
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pageants "should show the participant dressed in other than a swimsuit or should be cropped to a head-and-shoulder shot."

In a September 29 column, retired *Register* editor Robert Leeney called the new policy "applaudable," and female staff members report that male editors have been following the new regulations faithfully, even to the point of consulting with female colleagues when they are unsure whether a particular

photo exceeds the bounds of good taste. "They're now paranoid about using anything," says one female newsroom employee. "They're afraid we're going to kill them."

Carole and Paul Bass

Carole and Paul Bass are free-lance writers who live in New Haven.

North Idaho's full-court Press

Most small-town newspapers are in the habit of treating local businesses with a healthy respect — especially when those businesses are large local employers. But last summer in Wallace, Idaho (population 1,736), the *The North Idaho Press* showed no such restraint.

In July, Hecla Mining Company, the nation's largest domestic producer of silver and the town's biggest employer, announced that it was moving its headquarters from Wallace to the town of Coeur d'Alene, just fifty miles to the west. Hecla, which had been based in

Wallace since 1891, was the third major mining company in a year to announce plans to move its offices out of northern Idaho's economically depressed Silver Valley. Although the company's decision meant an exodus of only sixty white collar employees and their families, it sparked a bitter battle between Hecla executives and the *Press*.

Company officers say the move was precipitated by Hecla's recent merger with Ranchers Exploration and Development Corporation, a New Mexican mining firm. To accommodate its expanding business, they say, Hecla needs more office space and a headquarters nearer to major transportation routes.

But the *Press*, Wallace's 2,800-circulation broadsheet, ridiculed the decision. In an editorial headlined GRIFFITH THE BARBARIAN, the *Press* accused Hecla of "abdication of its corporate and civic responsibilities" to cater to the whims of president William A. Griffith. "Hecla is abandoning the working man so Mr. Griffith and his New Mexican buddies can bask in the cultural opportunities of Kootenai County and sashay over to the Hayden Lake Country Club when the spirit moves them," the paper declared. "That stinks."

Over the next two weeks, the five-day-a-week *Press* ran seven editorials and eleven front-page news stories about the move, often letting its opinions spill onto its news pages. On July 26, for example, the lead of a story about a stockholders' meeting read: "Like a commanding general, Hecla president and chief executive officer William A. Griffith had his shareholders goose-stepping to his planned march on Coeur d'Alene. . . ."

By then, Elmer Bierly, Hecla's chief spokesman, had announced that he would no longer speak with reporters from the *Press* or its sister paper, the weekly *Wallace Miner*, on any matter concerning the company. *Press* reporters heard that the news blackout had been ordered in a memo from president Griffith to all Hecla managers. Bierly denied publicly that the memo, as described in the

paper, existed.

Press editor/publisher James A. Hail was not convinced. "Need some pocket money?" the paper's lead editorial asked on July 20. "The North Idaho Press will pay \$100 to the first Hecla employee who can hand-deliver a copy of Hecla's . . . muzzle memo." Three days later, the *Press* raised the ante to \$250 and promised strict anonymity. Finally, according to the *Press*, a Hecla employee came forward with the memo, which was reproduced on the *Press*'s front page on July 25. In addition to directing Hecla employees to refuse to speak with reporters from the *Press* and the *Miner*, the memo said that the company would no longer purchase advertising space in either paper or do business with the *Press*'s commercial print shop. A few days later, Bierly released copies of the memo to other papers.

While not defending Hecla's actions, some local reporters have been critical of the *Press*'s coverage. "The whole thing took on a real personal, street-level kind of journalism," says Doug Barker, a former reporter on the *Press* who, until recently, was editor of the competing *Kellogg Evening News*. Barker says that the *Press*'s coverage was slanted and that by offering \$250 for the memo the paper damaged the overall image and credibility of local journalists. "It makes people wonder, 'What else will they do to get information?'" he says.

Editor/publisher Hail defends his paper's coverage. "This is a devastating blow to a small community," he says of the move, "and the newspaper is serving as an echo or a sounding board for the community emotions. . . . Our language was perhaps colorful, but it was true." As for the \$250 "reward," Hail says that journalists, in various forms, pay sources all the time. "How many times have you taken a source to lunch?" he asks rhetorically.

Meanwhile, Hecla spokesmen still refuse to respond to questions from *Press* reporters, the advertising boycott continues, and it seems likely that the move to Coeur d'Alene will go ahead as planned. But Hail has no regrets, insisting that the blackout has not hurt the *Press*'s coverage of Hecla. "This is supposed to be the big West, the last frontier — all that sort of rah-rah stuff," he says. "Well, what you have around here are a bunch of lily-livered, weak-kneed people, particularly in the newspaper industry. . . . Sometimes you have to raise a little hell just to wake people up."

Mike Dennison

Mike Dennison is a free-lance writer living in Helena, Montana.



CJR Mike Dennison

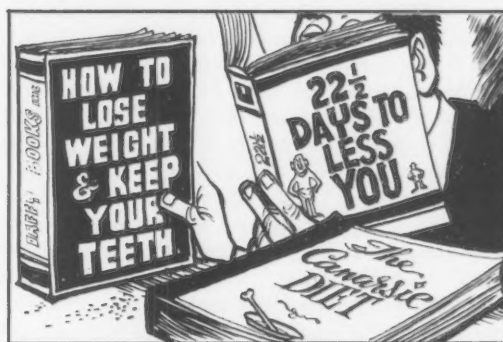
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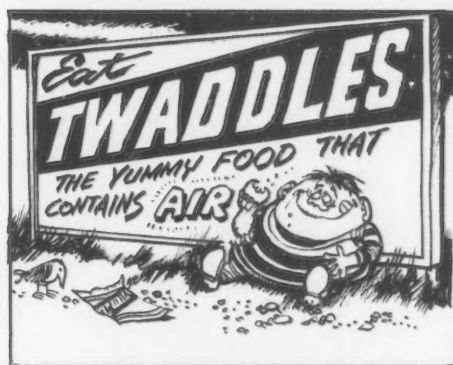
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COMMENT

Laxalt, the *Bee* — and the play-it-safe press

During the recent campaign, there was a curious — and instructive — flutter of activity centering on Senator Paul Laxalt of Nevada, chairman of President Reagan's reelection campaign:

□ In mid-September, *Newsweek* ran a story suggesting that, like Geraldine Ferraro, Laxalt had received dubious campaign contributions, and cited as sources stories in *The Wall Street Journal* and *The Sacramento Bee*.

□ On September 21, Senator Laxalt filed a libel suit for \$250 million against the *Bee* for a nearly year-old story which charged that, during the time Laxalt was the principal owner of a Carson City casino, substantial amounts of money were skimmed from casino revenues.

□ ABC News had considered broadcasting a story about Laxalt on that same date, September 21, but did not because there was "no new news in it." ABC conceded that it had received a warning letter from Laxalt's lawyer.

□ Similarly, CBS's *Sixty Minutes* had tentatively planned to deal with Laxalt on September 23, but that segment did

not appear, either; CBS had also received a letter from Laxalt's lawyer, which Mike Wallace called "a shot across our bow," adding that the segment had been cancelled only because *60 Minutes* no longer trusted its source.

□ A few days later, *Newsweek* ran a boxed "Correction" which said that in its previous week's story the magazine had not meant "to adopt as its own the *Bee*'s story on Senator Laxalt or to impugn the Senator's reputation." It turned out that Laxalt had discussed the matter with Katharine Graham, chairman of the Washington Post Company, which owns *Newsweek*, and Maynard Parker, the magazine's editor.

□ A week later, *Newsweek* printed a story in which representatives of ABC, CBS, *Newsweek*, and Laxalt all denied that anything untoward had happened.

□ Heaving into view a month after Laxalt filed his suit, *The New York Times* (October 21) offered a long article, based for the most part on a cozy interview with the senator, that all but exonerated him of the *Bee*'s charges.

Along the way, C. K. McClatchy, president and editor of the *Bee*, wrote in his column of September 27: "The most serious question now is not whether The Bee will lose the lawsuit. What we have printed is accurate and can be proven in court. . . . The most serious question arising from Laxalt's action is whether the threat of lawsuits demanding absurdly large damages can indeed inhibit newspapers, magazines, and broadcast companies in providing information to which the public is entitled." He charged that Laxalt's offensive had already achieved its main objective: ". . . it may be that a few phone calls are enough to prevent most newspapers and broadcast organizations from telling their readers about Sen. Paul Laxalt."

While we are in no position to assess the accuracy of the *Bee*'s reporting, McClatchy has a point. Senator Laxalt's suit is but the latest evidence of a new strategy of intimidation that is based on high-digit libel suits. The president of Mobil Oil and his son sued *The Washington Post* for \$50 million. Ariel Sharon, the former Israeli defense minister, demanded \$50 million from *Time* magazine. General William C. Westmoreland sued for \$120 million over a CBS documentary because, his lawyer said, that amount represented the cost of tickets to a television audience of 40 million at \$3 a head. Now Laxalt has raised the stakes to \$250 million.

These are fantastic numbers, bearing little relationship to any measurable harm done to anybody's reputation. But they carry a message: big numbers mean big trouble and



such organizations as the Washington Post Company and CBS have already had their fill of such troubles.

The reason claims can be pegged so high is that a plaintiff, if he can prove malice, can demand not only actual damages but punitive damages as well. There is no ceiling on punitive damages because they are supposed to be big enough to hurt — that is, to keep defendants from repeating, and others from emulating, defamatory misdeeds.

The Supreme Court has long been aware of the danger to news enterprises that is inherent in punitive damages — that they lead to a nonexercise of rights commonly called self-censorship. This is a pernicious limitation, whose effects are likely to be pervasive. As long ago as 1970, Justice Thurgood Marshall called for abolition of punitive damages, but, despite repeated opportunities, no majority has joined him.

The Laxalt incident appears to be a textbook case of self-censorship at work. Given the choice of doing something or doing nothing for the time being, two news organizations chose to do nothing. Given the choice of investigating or sidestepping controversial charges, two other news organizations chose to step aside.

It well may be that the McClatchy organization, which has countersued Laxalt for \$6 million, will come through unscathed. The more lasting harm may have been done to those who hastened to distance themselves from the *Bee*.

Double-standard reporting: Nicaragua and the networks

It was a classic case of the U.S. press taking its lead from the administration. As early as July 19, President Reagan had decided that the Nicaraguan election was going to be "a Soviet-style sham," just as, two years before, the Reagan administration had billed the Salvadoran election as a noble exercise in democracy — and in both cases the docile press followed these very different leads. A look at television coverage of the Nicaraguan election, held on November 4, may serve to show how news can be bent to conform to a frame produced in Washington.

To begin with, there was the coverage of the opposition parties in Nicaragua — coverage that contrasted markedly with that of the opposition in El Salvador two years previously. Then, the networks had downplayed the left's insistence on describing the election as a farce — a farce because many of its politicians (and thousands of its supporters) had been killed by death squads, because even more would very probably be killed if they tried to campaign openly, and because the opposition press had been hounded or bombed out of existence. In the case of the Nicaraguan election, television coverage focused almost entirely on a single opposition candidate — Arturo José Cruz. A former member of the governing junta and a former ambassador to the United States, Cruz had returned from self-imposed exile last summer to run as the presidential candidate of the Dem-

ocratic Coordinating Committee, or CDN as it is called after its initials in Spanish, and the Reagan administration had subsequently made the CDN's participation the litmus test of the legitimacy of the Nicaraguan election.

On September 23 — more than a month earlier than the other networks — NBC focused on the difficulties Cruz faced as a campaigner. Correspondent Dennis Murphy reported on a pro-Sandinista mob, "armed with bats and machetes," that had surrounded a house in which the candidate was meeting with supporters. This was the "third mob scene in four days of campaigning," Murphy noted as footage was shown of the candidate's car being stoned as he left a rally. "Since then," Murphy continued, "Cruz has announced he will not run for president."

Throughout the remainder of the campaign, the evening news shows used the same footage, repeated Cruz's claims that harassment had kept him out of the race, and concluded that, as a result, fair elections were impossible.

The harassment of a candidate was a legitimate news story — just as the far more brutal and extensive intimidation of the opposition in El Salvador had been a legitimate news story, which, however, received almost no attention on the evening news programs. This discrepancy seemed to reflect a double standard: when the opposition candidate is backed by Washington, the networks will tell his story for him — and from his point of view; when the opposition is out of favor with Washington, its story will not be told.

That a double standard was, indeed, at work is suggested by a comparison of the amount of time the networks spent on the two Central American elections. At the time of the 1982 Salvadoran election, during a seven-day period centered on election day the three networks ran a total of twenty-two stories, the average length of which was just under five minutes, making it one of the most thoroughly covered foreign elections in television history. The Nicaraguan election was, by comparison, all but ignored, receiving a total of 18 minutes and 40 seconds of evening news coverage between August 1 and November 7.

Even in their relatively extensive coverage of Cruz, the networks left out the sort of detail that might have permitted viewers to decide for themselves whether Nicaragua's election was more or less legitimate than El Salvador's. Thus, they failed to go into the story of the lengthy negotiations between Cruz and the government on the question of whether the election could be postponed for ninety days to give Cruz's party more time to develop its campaign. (As Alan Riding reported in the October 3 *New York Times*, "At several moments . . . the two sides . . . seemed close to agreement" on this issue.) The networks also failed to describe the nature of Cruz's constituency, not to mention the constituencies of the other opposition parties, whose candidates ultimately received 31 percent of the vote. (Also missing was any reference to the pressure U.S. officials reportedly brought to bear on some opposition parties to withdraw from the election, thus insuring that it would seem

like a sham.) And while the networks found time to allow correspondents to paint a bleak portrait of life in Nicaragua — "In addition to censorship," CBS correspondent Richard Wagner said on November 3, "the Nicaraguan people have to deal with chronic food shortages and a system of public transportation that is literally falling apart from lack of spare parts" — there was apparently no time or inclination to suggest that the nation's economic difficulties might have been greatly exacerbated by the U.S.-financed contra war. Finally, while Nicaraguans were given time to lament censorship, correspondents failed to compare the situation in Nicaragua — where *La Prensa* kept up a barrage against the Sandinistas and where each party was given fifteen minutes of free air time a day on television — with that obtaining in El Salvador two years earlier.

The trouble with such coverage is that, while it undoubtedly bolstered the administration's effort to disparage the legitimacy of the Nicaraguan electoral process, it also called into question the objectivity of the networks.

Darts and laurels

Laurel: to *The Westsider*, a Manhattan weekly, and reporters Jan Bartelli and Jeff Kisseloff, for an October 11 story that reached out and touched a telephone polling operation in which callers, sounding out prospective voters with Jewish-sounding surnames, identified themselves as representing the National Jewish Coalition, without revealing that the coalition was in fact an arm of the Republican National Committee. The reporters got the coalition's number when Bartelli took a \$4-an-hour undercover job as a polltaker along with twenty-five other part-time workers, many of whom were black or Hispanic and all of whom — including those with decidedly Caribbean accents — were instructed to introduce themselves to respondents as Betty or Harry Goodman.

Dart: to Alan Bock, editorial page editor of the *Santa Ana Register*, for going beyond the accepted limits of editorial support by making available to a Republican congressional candidate a printout of a favorable editorial that found its way into a campaign flyer three days before it was published in the paper.

Dart: to the Chicago *Sun-Times*, for foul play of a photo in its special twenty-page souvenir sports section celebrating the first-game victory of the Chicago Cubs baseball team in the National League playoffs with the San Diego Padres. Pitched as a MOMENT OF TRUTH — AND GLORY across a two-page spread, the dramatic, sixteen-by-ten-inch picture was captioned "Two fans raise their pennants [emblazoned with the words NL EASTERN DIVISION CHAMPIONS] in the upper deck of Wrigley Field as the first game of the National League playoffs kicked off with a 13-0 victory for the Cubs . . ."; alert fans, however, catching clues from the scoreboard, the stadium clock, and the color of the visiting team's uniforms, quickly figured out the score: the photo, of a game

The boys on the tube

Despite Representative Geraldine Ferraro's impressive campaign for the vice presidency, male TV newscasters who reported the election results continued to patronize women. A few examples from election night, November 6, 1984, should suffice.

□ Roger Mudd of NBC reported that two-thirds of the female voters in Massachusetts had chosen a Democrat, John Kerry, for the U.S. Senate in preference to a Republican named Ray Shamie who had strongly supported Ronald Reagan's policies. Mudd commented, "I must say he [Kerry] does look like a model sometimes."

□ Andy Rooney of CBS delivered a "humorous" commentary about polling in which he referred to Geraldine Ferraro.

□ Four CBS journalists took turns commenting on the election results: Messrs. Bruce Morton, Bill Moyers, and Bob

with the Pittsburgh Pirates, had actually been shot a couple of weeks before.

Dart: to C. Peter Jorgensen, publisher of Century Newspapers in Massachusetts, for his comic interpretation of the role of interfering publisher. In an October 11 memo, Jorgensen (who also functioned as chairman of New England Newspaper Friends for Reagan/Bush), advised all members of the editorial staffs of his three Boston-area weeklies that he did "not intend to pay for paper and ink, or staff time and effort, to print news or opinion pieces which in any way might be construed to lend support, comfort, assistance or aid to political candidates who are opposed by Republican candidates in the November election. . . . You are specifically instructed," the memo went on, "to submit any and all political stories which mention any candidate in any race and any photographs, letters, editorials, cutlines, or any other kind of written material whatsoever relative to the election or elected officials and their record, to the publisher prior to publication. . . . If this is unclear in any way, resolve every question in your mind with a decision NOT to print."

Laurel: to the Associated Press and correspondent Robert Parry, for a June 29 story documenting the existence of a comic-book-style manual on methods of sabotage produced for Nicaraguan rebels by the CIA. **Laurel:** to Pacific News Service and free-lance reporter Brian Barger, for further revelations (July 26) of a second manual, this one on "Psychological Operations in Guerrilla Warfare," that had also been furnished to the rebels by the CIA. (According to PNS, the story had originally been offered to *The Washington Post*, for which Barger was working at the time, and to NBC, but both news organizations had turned it down.) Significantly, it was not until the appearance of Parry's

Schieffer, and Ms. Lesley Stahl. Dan Rather addressed the quartet as "Gentlemen."

□ CBS used a small, flashing square on its election map to represent the District of Columbia. Dan Rather thought some viewers might have trouble finding the square. "If you can't see that, Grandma, put on your glasses," he said.

These uses of language imply that: (1) Women are birdbrains; they vote for the handsomest candidate.

(2) Women are insignificant or invisible; regardless of their status or their physical proximity, we needn't bother to learn their correct names or to change our exclusionary terminology. (3) Older women exist chiefly in relation to a family; have grandchildren and wear glasses; and are too addled to put their glasses on without prompting from a male authority.

Such hallowed smugness predates election night, of course. Several months earlier, on July 19, 1984, the three networks began their live coverage of the Democratic Na-

tional Convention after Ferraro had been nominated. During the unprecedented event itself, CBS, NBC, and ABC all carried regular programming, thereby depriving viewers of the nominating speeches and the voting by acclamation.

In that regard, nothing had changed at the networks since 1972. That year, none of them carried the speeches nominating Frances Parenthold, then a member of the Texas House of Representatives, for vice-president at the Democratic convention. Indeed, the condescension toward women during network convention coverage prompted protests by mail, by phone, on the air, and in CJR itself.

Where serious business is at stake, however, TV can be suitably respectful. One month after Ferraro's nomination, ABC issued an apology for having failed to provide live coverage — not of her nomination but of the 400-meter relay race in which Carl Lewis won his fourth Olympic gold medal.

MARIE SHEAR

Marie Shear is a free-lance writer and editor who lives in Brooklyn.

independently confirmed report on the psychological-operations manual (October 14), and *The New York Times's* own page-one account three days later, that the dirty-tricks story entered public consciousness and became an issue in the 1984 presidential campaign.

Dart: to *Time*, for giving with one hand and taking away with the other. The newsweekly's October 8 issue carried a special advertising section on "Strategies for Healthier, Happier, and Longer Life" that featured editorial material supplied by the American Academy of Family Physicians, but deleted from the AAFP narrative all references to the hazards of smoking cigarettes. (Also featured in the issue were seven full-page, four-color tobacco ads.) **Laurel:** to *The Boston Globe* and reporter Charles Kenney, for a front-page series (September 30, October 1 and 2) on scientific, legal, and political developments in the intensifying war on smoking — including that rarity of rarities, a discussion of the impact of advertising on the outcome of that war.

Dart: to the Yakima, Washington, *Herald-Republic*, for a remarkable innovation in journalistic enterprise — a "paid letters to the editor" feature in which readers might register their views on candidates and issues by paying the paper ten cents a word.

Dart: to *The Cincinnati Enquirer*, for a shameless feature story (October 12) about one of the first women in the region to benefit from a new government program providing housing subsidies to minority female heads of household. Although the article identified the mother of five as a clerk employed by the *Enquirer*, it neglected to mention that she had been encouraged to apply for the aid by her boss at the highly profitable Gannett-owned paper after he had rejected the latest of her several requests for a "survival" raise.

Laurel: to the Casper, Wyoming, *Star-Tribune* and city

editor Daniel Gearino, for a refreshingly candid confession (September 16) that the paper had been "irresponsible, elitist, pompous, and absurd" when it decided to wait for guilt to be established before revealing in its news accounts that an unnamed "prominent city official" charged with sexual assault was in fact the city's mayor.

Dart: to Michael Simmons, publisher of the Marengo *Pioneer-Republican*, *The North English Record*, and the *Williamsburg Journal-Tribune*, the only general circulation papers published in Iowa County, Iowa, for cutting off his professional nose to spite his unprofessional face. Perceiving a snub to the president of the papers' parent company by Representative Janet Carl at a Democratic fund-raiser last spring, Simmons delivered an ultimatum: either an apology from Carl (which was not forthcoming) or a blackout on coverage of her reelection campaign, including letters to the editor on her behalf. In a November 9 editorial, Simmons apologized to readers (though not to Carl) for having "ignored our obligation to cover the news. . . . In making public our mistakes," Simmons could not resist adding, "we also hope that Representative Carl realizes hers." Carl won reelection, incidentally, by twenty-four votes.

Dart: to the *Akron Beacon Journal*, for turning its Sunday magazine into an amateurish yearbook. Its September 30 cover story on the Salvation Army's 100 years in Akron was flanked by twenty-two ads from local merchants giving the organization a lucrative (for the paper) salute.

Dart: to the Orange Coast *Daily Pilot* in Costa Mesa, California, for the looking-glass logic of its October 24 editorial urging voters to return the district's Republican representative to Congress despite the fact that his record, as outlined in the editorial, was so appalling that "we can't bring ourselves to endorse the candidate by name." ■

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Trashing the FOIA

How bureaucrats have been licensed to thwart the intent of Congress — and drive reporters up the wall

by STEVE WEINBERG

When Carl Stern of NBC News wrote the U.S. Justice Department on November 3, 1982, asking for documents under the Freedom of Information Act, he thought his request was a simple one. His letter was addressed to Guy Zimmerman, director of the audit staff for the Justice Management Division, and it identified documents in detail — for example, “the audit, dated June 29, 1982, of the New England State Police Administrators Conference.”

As a frequent user of the Freedom of Information Act, Stern knew that the chances of getting the government to comply with a request improve when the query is sent to a specific person within the vast bureaucracy, and when that person is provided with details that will help him or her locate the documents among the millions of pieces of paper on file.

Realizing that the agency's FOIA reviewers might be facing a backlog, Stern suggested that “if it would expedite handling our request, we would be happy to review the photocopies at your office and indicate the relatively small number of which we would like to have a copy furnished to us.”

Much to Stern's consternation, Zimmerman replied on November 30, 1982, that it would cost Stern \$196 to view 1,340 pages, adding: “We will not consider your request received until you have agreed to bear the cost.”

That angered Stern. On December 2, he wrote Zimmerman that NBC News had little interest in most of the material: “We seek only a small number of pages. I doubt if it would exceed eight or ten. That is why we offered to come to your office to determine what we needed. No agency I know of prohibits news people from access to material until they agree to buy copies of all of it.”

Stern wondered why any fee was being levied, unless the motive was delay. Citing the FOIA itself and internal Justice

Department guidance, Stern noted that “it is almost universal practice for the Justice Department to waive fees for a news agency like ours.”

When Zimmerman refused to bend, Stern appealed to Jonathan Rose, an assistant attorney general, on January 3, 1983. “If Mr. Zimmerman is correctly following new Justice Department procedures,” Stern wrote, “bona fide reporters working for established news agencies would have to pay at the door to see government records.”

On February 1, Rose rejected Stern's pleas. He asked Stern to “state some basis beyond your personal identity as a news reporter why the taxpayers should subsidize the search and copying costs involved in the release of numerous arcane audit slips of no apparent public interest. Until such an interest to the public is identified, we believe that legally the processing costs belong to the substantial news organization for whom you work, or to you personally.”

Stern replied on February 4, expressing incredulity at Rose's failure to see the public interest inherent in the documents. “You do know,” he wrote, “that the expense vouchers and receipts I wish to see form the core of the audit reports . . . which led to sharply worded correspondence between the deputy attorney general and members of Congress, and to a meeting between myself and the assistant attorney general in charge of the Criminal Division and the director of the Office of Justice Assistance, Research and Statistics. At issue is the integrity and efficiency of these government-funded programs. I mention this not because I believe such a showing is necessary, but merely to underscore the disingenuousness of your characterizing the material as ‘arcane audit slips of no apparent public interest.’ ”

Stern's persistence paid off. On March 1, 1983, Rose agreed to Stern's demand for a fee waiver, promising that the Justice Department's audit staff would “soon commence searching and processing the records.”

So, four months after Stern asked for clearly identified documents, the Justice Department agreed that the request would benefit the public. Only then did the government begin to decide which documents Stern could see and which

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Carl Stern of NBC News

'There is a tenth exemption, says Stern, the "I don't want to give it to you so I won't give it to you" exemption'

the government would withhold under one or more of the exemptions to disclosure in the law (see sidebar).

The Freedom of Information Act became law eighteen and a half years ago. Journalists failed to use it much at first. Either they did not know about it or did not understand it, or they believed that delays by federal agencies would render most information useless — if it could be obtained at all. Eight years after approving the law, Congress tried to end some of the abuses, including interminable agency response times. President Gerald Ford vetoed the changes; Congress overrode the veto.

Although journalists vowed to employ the improved law more frequently, many were doubtful that the 1974 amendments would actually succeed in exposing the workings of government to scrutiny. After attending a conference on the revised law, I wrote in the April 19, 1975, *Nation* that 95 percent of the conferees were government bureaucrats. "The imbalance illustrates what experts say has been wrong from the start — bureaucrats know far better how to use the law to withhold information than citizens know how to use it to obtain information."

The FOIA can, of course, be a valuable tool for journalists. I have used it successfully myself. Journalists, public interest groups, and congressional researchers have compiled long lists of news stories, magazine articles, and books that relied on documents released under the law.

Some agencies are able to boast that they grant more requests than they deny. Congressman Glenn English, of Oklahoma, chairman of the House government-operations subcommittee on government information, justice, and agriculture, said in a recent hearing that the Defense Depart-

ment processed 72,534 FOIA requests during 1983. Of these, 60,658 were granted in full. The Justice Department reported receiving 24,372 requests during 1983, of which 12,709 were granted in full.

But, despite such evidence, bureaucrats have largely succeeded in undermining the FOIA at will. Thus, in the same speech in which English cited statistics showing some federal agencies in a positive light, he also noted his reluctance to change the law in ways requested by bureaucrats. "Those who use the FOIA fear that broadening the exemptions and giving agencies increased discretion will only bog down the process further. Given the track record of most agencies, I cannot say that these fears are unjustified. While much information is disclosed under the FOIA, sometimes the disclosures only come after long and tortured administrative consideration. For a reporter with a deadline, information delayed is information denied."

Similar views were expressed at a 1981 Senate hearing by Russell Stevenson, Jr., an FOIA expert who was then a law professor at George Washington University. "The FOIA is looked on in many parts of the government as an unwanted stepchild," Stevenson said. "Agencies are often reluctant to allocate the resources necessary to comply fully with the mandate of the act. . . . Assignment to FOIA compliance is perceived by many government personnel as a career dead end." Personnel who manage FOIA matters, he went on to say, are "too often poorly trained and poorly motivated. Under these conditions it is hardly surprising that the performance of many agencies in FOIA matters is less than ideal."

Probably the most common way in which government employees violate the law's letter and spirit is by making improper use of one or more of the nine exemptions to

create what Stern calls "the tenth exemption, the 'I don't want to give it to you so I won't give it to you' exemption."

But this is only one of many stratagems that bureaucrats have devised to withhold information. Courts sometimes order the release of withheld information, but court battles are time-consuming and expensive. Most journalists have little time and little money, and the bureaucrats know it.

The cases that follow illustrate some of the principal methods of bureaucratic stonewalling. This catalog of horror stories is not meant to discourage journalists from filing FOIA requests, but, rather, to arm them with knowledge that may help them to prevail.

One reporter, three agencies — and three different runarounds

John Leach, an *Arizona Republic* reporter, knows about the tactics agencies use to frustrate the FOIA. In recent months, Leach has gone around and around with the U.S. Customs Service, the Immigration and Naturalization Service, and the State Department.

The Customs Service used fee levies to frustrate Leach in somewhat the same way that the Justice Department used fees to frustrate Stern, but added some ingenious twists.

In September 1983, Leach asked for documents relating to international terrorist groups operating in Arizona and northern Mexico. Bertram Drouin, director of the Customs Service Office of Investigations' International Enforcement and Support Staff, informed Leach that he would have to pay \$140 for search time, plus fifteen cents a page for any records eventually released. Although Leach had made a case for a fee waiver, Drouin wrote that "we have determined that the requested information, no matter how interesting or vital the subject, would not be considered beneficial to the general public."

Leach appealed. "I find it difficult," he wrote, "to understand how the agency can maintain that the release of information about the training, equipping, and financing of terrorists in Arizona and northern Mexico is not beneficial to the public. . . . Terrorism is on the rise worldwide, with sharp increases in the number of incidents and in the number of victims this year, and Americans are the leading target of those attacks."

Leach's appeal was denied by John Simpson, director of the agency's Office of Regulations and Rulings. On February 13, 1984, Leach paid the \$140 under protest, asking for expedited processing.

The Customs Service took the money and went to work. James Wilkie of the agency responded to Leach on April 16, 1984. The verdict: Leach would get nothing for his \$140. The agency had decided that all records could be withheld because they were "investigatory records compiled for law enforcement purposes, the disclosure of which would interfere with enforcement proceedings, constitute an unwarranted invasion of personal privacy, identify a confidential source and disclose investigative techniques and procedures." That language is from the seventh of the law's nine exemptions.

Leach replied that surely some portions of the documents could be released, pointing out that the FOIA says that "any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt."

Wrong, wrote Simpson on May 21. Not a word could be released without endangering law enforcement. Leach was out of luck — unless he wanted to begin a lawsuit that would probably cost his newspaper tens of thousands of dollars and keep Leach away from his reporting. (As of mid-November, he was still considering how to proceed.)

The Immigration and Naturalization Service, unlike the Customs Service, did not charge Leach money for information never provided. The INS used a different tactic, saying it could not locate the files he wanted.

On May 2, 1984, Leach had written the INS asking for documents concerning a Libyan who had come to the United States in 1979. Leach sent the letter to A. H. Giugni at the INS district office in El Paso, Texas. That office replied on May 8, saying it had sent the file to headquarters in Washington, D.C., on May 7.

Leach wrote to INS headquarters, which received his letter on May 17. On May 31, Russell Powell at INS headquarters wrote that the file was back in El Paso, and that Leach should try there again. On June 7, the El Paso office said the file was still in Washington. So Leach tried headquarters again, only to receive a reply dated June 21 which said that, "although the records . . . had not reached our El Paso office by June 8, they were in transit back to that office."

On August 6, 1984 — more than three months after his

Nine reasons for saying no

The Freedom of Information Act contains nine provisions allowing agencies to withhold information. These exemptions cover:

1. Information classified as top secret, secret, or confidential to protect the national defense or foreign policy.
2. Documents related solely to agency personnel rules and practices.
3. Information withheld under laws other than the FOIA (see "Fine-tuning the FOIA," *CJR*, September/October 1984).
4. Trade secrets and financial information obtained by an agency from a person or business.
5. Some categories of inter-agency or intra-agency memorandums.
6. Personnel and medical files that might invade a person's privacy.
7. Certain investigatory records compiled for law-enforcement purposes.
8. Certain records kept by agencies that regulate financial institutions.
9. Geological and geophysical data about oil and gas wells.

original request to INS — Leach received some information from Washington. The agency sent four documents. A portion of one was deleted. A fifth document was withheld under the invasion-of-privacy exemption.

In his third encounter — this one with the State Department — Leach got caught between agencies rather than between parts of the same agency.

On November 22, 1983, Leach asked for documents concerning a conspiracy in Beirut, Lebanon, to obtain explosives for possible use in the United States. An answer came six months later — on June 4, 1984. Caron McConnon, chief of the Freedom of Information and Privacy Act staff in the State Department's Office of Security, sent Leach four documents — all of them published news articles. Two documents were denied on the ground that they had originated with other government agencies, and therefore had to be reviewed by those agencies.

"This ploy has delayed the release of the documents for about four months, even if I should receive them next week," Leach said during an interview for this article. He later received most of the documents he had asked for; they turned out to be useless.

The Rockefeller request and the four-year stall

Ted Gup of *The Washington Post* was the victim of a similar ploy, but remained unaware of it for years.

The law states that "each agency, upon any request for records . . . shall determine within ten days (excepting Saturdays, Sundays and legal public holidays) after the receipt of any such request whether to comply with such request and shall immediately notify the person making such request of such determination and the reasons therefor. . . ."

Some agencies strive to comply with the time limits, limits that are often vital to journalists. But many agencies do not care. Delay is their way of disarming the FOIA.

Gup made a request on February 4, 1980, to the Federal Bureau of Investigation concerning former U.S. Vice President Nelson Rockefeller. In the course of its search, the FBI found two documents originated by the Central Intelligence Agency. The FBI sent the documents to the CIA, telling that agency to respond to Gup directly. Gup says the FBI never told him of the referral.

More than four years later, Gup was surprised to receive a letter from Larry Strawderman, the CIA's information and privacy coordinator. The letter, dated July 11, 1984, informed Gup that, after reviewing the documents, the agency had determined to withhold them on the ground of national security, and on the basis of other laws — specifically the National Security Act of 1947 and the CIA Act of 1949.

Gup received an apology for a delay he had not even known about: "We wish to apologize for the length of time it has taken us to complete the processing of your request. We have been inundated, however, by a large number of requests over the past several years. Under the circumstances, we can only do our best to apportion our time and efforts in a manner calculated to satisfy all of our requesters. Thus, we have adopted the policy of first-received, first-answered."

Needless to say, in his apology Strawderman did not go



John Leach of *The Arizona Republic*

'The Customs Service wrote: "We have determined that the requested information, no matter how interesting or vital the subject, would not be considered beneficial to the general public"'

so far as to admit that the CIA should hire more people to handle FOIA requests, thus keeping the agency from violating the law. Understaffing FOIA offices is a common tactic. When Ernie Ford, a newsman at KSL-TV in Salt Lake City, testified before a U.S. Senate subcommittee, he told of eighteen-month delays at the Drug Enforcement Administration. Ford asked Carl Stern to inquire about the delays. Stern learned that the agency had filled only twenty-one of its forty authorized FOIA slots. When Stern asked why, he recalls, a DEA staff member told him, "It is not in our best interests to have a full staff. We would have to release too much information."

It might be reasonable to assume that, with so many violations of the law, bureaucrats would be punished from time to time. Congress added sanctions to the law in 1974. The law states that if a court, finding that records have been withheld improperly, awards legal fees to the requester and suggests that the withholding might have been done "arbitrarily or capriciously," the Merit Systems Protection Board must determine "whether disciplinary action is warranted against the officer or employee who was primarily responsible for the withholding."

Experts say they know of no federal official who has been punished under this provision.

From open up to shut up: the Reagan difference

With little fear of punishment, bureaucrats are free to make excessive and absurd deletions. Their brazenness is abetted

at the top levels of the Reagan administration, which have sent far different signals about FOIA requests than those that came from the top levels of the Carter administration.

One example is a January 7, 1983, memo on fee waivers, signed by Assistant Attorney General Rose.

The law itself is straightforward: "Documents shall be furnished without charge or at a reduced charge where the agency determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public."

Rose's directive says that "federal agencies are obligated to safeguard the public treasury by refusing to provide search and duplication services at reduced or no cost under circumstances in which waivers are not provided for by the statute." The directive instituted a complex five-pronged test that any bureaucrat with a modicum of ingenuity can use to deny fee waivers to journalists.

Another example is a comparison of memos from two attorneys general. The first memo was written by Griffin Bell on May 5, 1977. It said: "The government should not withhold documents unless it is important to the public interest to do so, even if there is some arguable legal basis for the withholding. In order to implement this view, the Justice Department will defend Freedom of Information Act suits only when disclosure is demonstrably harmful, even if the documents technically fall within the exemptions in the act."

A memo by William French Smith dated May 4, 1981, superseded Bell's memo. It said that the Justice Department's policy would be "to defend all suits challenging an agency's decision to deny a request submitted under the FOIA unless it is determined that the agency's denial lacks a substantial legal basis, or defense of the agency's denial presents an unwarranted risk of adverse impact on other agencies' ability to protect important records."

Still another example of the Reagan administration making it harder to get information under the FOIA is Executive Order 12356, signed by Reagan on April 2, 1982. The order guides agencies in classifying information top secret, secret, and confidential. It superseded a 1978 Carter order that was friendlier to open government. The wording of the executive order is important because it largely determines what an agency can withhold on national security grounds.

Through its allies in Congress, the administration has tried a frontal assault on the law, and succeeded in 1984 in pushing harmful amendments through the Republican-controlled Senate. In the House, subcommittee chairman English, an Oklahoma Democrat, was able to stop the effort.

Congress did, however, approve a measure, signed into law by President Reagan in mid-October, that exempts certain Central Intelligence Agency files from disclosure. While many journalists opposed the bill, it was supported by the American Civil Liberties Union, and some journalists testified at congressional hearings that no serious harm would be done to the FOIA — provided, of course, that the CIA administered the measure in good faith.

The bureaucrats' bottomless bag of tricks

The bureaucracy's arsenal of obstructive tactics goes far beyond the stratagems discussed so far — that is, charging fees without justification, then refusing to act on the request for documents until money is paid for information that might be useless or never released; ignoring response times set by law, with the knowledge that punishment is unlikely; intentionally understaffing FOIA offices; forcing drawn-out, expensive court cases; shutting documents between offices of the same agency; referring documents to other agencies, sometimes without informing the requester; and, finally, interpreting all nine exemptions in ways that ignore the spirit of the law.

The cases that follow illuminate other tactics:

Arguing about what constitutes a record: Carl Stern and NBC News got involved in a dispute with the U.S. Air Force in which that agency began by hiding behind a questionable definition of "agency records."

On March 30, 1982, NBC made an FOIA request for the videotape of an accident in which four Thunderbird pilots died. The crash occurred January 18, 1982, at Indian Springs Air Force Field in Nevada. Brigadier General James G. Jones replied on May 11, 1982, that the videotape was "not a record within the meaning of the FOIA." Jones added that even if it were a record, it could be withheld under exemption six, since it "would constitute a clearly unwarranted invasion of personal privacy of the survivors of the officers who perished in the accident." In any case, Jones wrote, the tape could be withheld under exemption five "as an internal communication."

NBC News responded that all three grounds were absurd, citing both common sense and legal precedent. The videotape was a record because it was referred to in the official Air Force accident report. The FOIA "was designed to reach material other than just written documents," wrote NBC lawyer John Sturm. The appeal failed.

On April 4, 1984, NBC News sued the Air Force. Stern acknowledges that his network should have filed its suit sooner — changes in the network's legal department, he says, caused the case to fall between the cracks. By the time NBC went to court it was too late. Two days earlier, on April 2, General W. L. Creech had erased the portion of the tape showing the actual crash. On May 25, 1984, the Air Force gave the partially erased tape to NBC. The network complained about the erasure and asked the Air Force to look harder for a complete copy. The Air Force asked U.S. District Judge Joyce Hens Green to dismiss NBC's suit, saying it had become moot with the May 25 release of the tape. On July 18, 1984, Judge Green ruled in favor of the Air Force.

Blackening out information indiscriminately: The FOIA states that "any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt." Often, however, agencies decide that this provision entails too much trouble. Edward Cony, vice president/news at *The Wall Street Journal*, told a House subcommittee about agencies

producing "documents so shot through with deletions that what remains is virtually useless. A recent visitor to the FOIA processing division at the FBI encountered a sign on the wall that tells the story: 'When in doubt, black it out.' "

Bruce Maxwell, a reporter at the Rochester, Minnesota, *Post-Bulletin*, fell afoul of the FBI's blackout technique in 1984. On March 29, Maxwell asked the FBI for records about the Posse Comitatus, which he described as an ultra-right-wing organization sometimes resorting to violence.

On June 13, 1984, James K. Hall, chief of the FBI's Freedom of Information-Privacy Acts Section, wrote that Maxwell could have 1,203 pages of already-released material at 10 cents a page for copying. Hall said another 800 pages remained to be processed, which Maxwell could have for half price thanks to a ruling from the FBI Fee Waiver Committee. Maxwell paid the \$40 for the 800 pages, plus the \$120 for the already-processed material.

Maxwell was anxious to read the material because his editors were waiting for copy from him. But, according to Maxwell, when the 1,203-page package arrived, about a month after he had paid for it, the FBI had deleted 840 pages in their entirety. In addition, Maxwell says, 198 pages had been deleted pending referral to other agencies, including the Internal Revenue Service. The documents that

were disclosed covered the years 1974 to 1981. Nothing more current was included.

As of this writing, in late November, Maxwell had heard nothing from the other agencies. On November 26, however, the FBI informed him that he would soon receive 443 of the 800 pages he had paid for months earlier. As for the deletions, he chose not to appeal because, he says, "I could not justify the great amount of time it would have taken me to figure out what I needed to appeal and because, quite frankly, the documents covered here are quite out of date. I also figured that an appeal probably wouldn't be resolved until after we had published the series in which I wanted to use the documents."

Releasing documents selectively only after a requester

agrees to halt all appeals: Don Devereux, a reporter for the Scottsdale, Arizona, *Daily Progress* had been writing about investigations into the murder of Don Bolles, the *Arizona Republic* reporter killed by a car bomb in 1976. In February 1981, Devereux requested FBI files on the murder. After receiving denials, Devereux went to court, arguing that the law-enforcement exemption, which the FBI had cited, was no longer applicable in the Bolles case.

Several months later the FBI released some documents,

How to beat the game (sometimes)

by JACK H. TAYLOR, JR.

One federal agency seems to have discovered the perfect way to avoid processing Freedom of Information Act requests. In October, the Executive Office for United States Attorneys began sending form letters to people whose FOIA requests were caught in a two-year backlog. Because the requests were so old and there had been no follow-up from the requesters, the letters noted, no further action would be taken unless the agency was asked to reopen the cases.

Many of the requests, I suspect, particularly those from the news media, will die right there because of flagging interest. Journalists are notoriously impatient. And two years is a long time to wait for a story.

Christopher V. Taffe, a Justice Department attorney, says, in fact, that since the policy of closing out old requests went into effect, fewer than 5 percent of the requesters have asked that their cases be reopened. He swears, though, that the persistent requester will not have to go to the back of the line. "There are a lot of Catch-22s in government operations," he says, "but that's not one of them."

The tactic, nevertheless, is one of the more innovative I've come across in more than a decade of filing some 3,000 FOIA requests. It is an effective way to escape from tackling the monumental chore of looking at all the documents covered by the backlogged requests, while at the same time reducing the backlog, which Taffe says now stands at roughly 2,300 requests.

There is little a journalist can do in such cases except to be insistent. Most executive-branch offices to which FOIA requests are directed don't require two-year waits. Many are, nevertheless, bureaucratic jungles and an inquiring journalist needs a few guidelines to avoid becoming entangled and to make the FOIA an effective research tool.

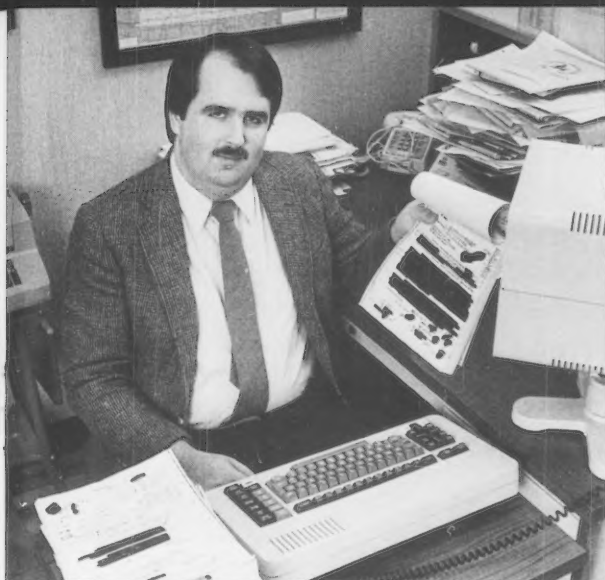
This is a difficult task, particularly when dealing with a bureaucracy such as that within the Justice Department, where twenty-two separate agencies received more than 24,000 FOIA requests and another 42,000 Privacy Act requests in 1983 alone. (Despite such a deluge, the department actually made a tiny dent in its backlog during the same year by processing 1,500 or so more requests than it received.)

While there are no shortcuts that will work with every request, there are a few simple rules that will reduce frustration and often speed the processing of a FOIA action.

■ Study the agency's regulations, especially those indicating what kinds of information are routinely collected. Doing so can provide clues as to whether particular documents will aid your research. This is my first rule of thumb. One of the government's own specialists, Richard L. Huff of the Justice Department's Office of Information and Privacy, further suggests that a request should be as narrow in scope as possible.

■ Find out, as specifically as you can, the office within an agency most likely to have the records you want. This will obviate the delays entailed when bureaucrats have to find the right office for you. (For example, if you want a Med-

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CJ/R. Jerry Olson/Post-Bulletin

Bruce Maxwell of the Rochester, Minnesota, Post-Bulletin

'When the 1,203-page package arrived, the FBI had deleted 840 pages. In addition, 198 pages had been deleted pending referral to other agencies'

including a 1976 memo from then FBI Director Clarence Kelley to then Attorney General Edward Levi. The FBI blacked out 106 of the memo's 129 lines.

That was not good enough for Devereux, but the FBI stood firm. Finally, it offered a deal — it would restore most of the deleted lines if Devereux would agree to accept the document that way, without further court battles. Frustrated, Devereux agreed. In June 1982 he received a new version. It still had seven lines deleted.

Eventually, Devereux received a little satisfaction. In November 1982 a federal judge ordered the FBI to pay the newspaper legal costs of \$14,225 under an FOIA provision triggered when a requester "has substantially prevailed."

Going to absurd lengths to protect financial information submitted to federal agencies: On July 16, 1984, Viveca Novak, a reporter at the Anniston, Alabama, *Star*, filed an FOIA request at the Federal Deposit Insurance Corporation for cease-and-desist orders to three banks.

Within two weeks, the FDIC had sent Novak the documents, but with the names of the banks blacked out. Novak says she called Margaret Olsen, FDIC assistant executive secretary. As she recalls the conversation, she asked Olsen, "If I had written only one letter, asked for one c-and-d from

icare/Medicaid Cost Report filed by a hospital or nursing home, write to the Health Care Financing Administration — or to the contractor hired by that agency to handle Medicare/Medicaid paperwork in your state — not to the Department of Health and Human Services.) This is particularly helpful when asking for documents somewhere within the Justice Department's many agencies. As Huff puts it, it is important to be specific not just in defining what you want, but also in stating from whom you want it. He adds that, under a new regulation, if you don't know which Justice agency has the record, you can write directly to the FOIA/PA Section, Justice Management Division, and the folks there are supposed to figure it out for you. (Huff also says that it is helpful to include your telephone number.)

■ Since written requests take time, even with a required ten-working-day response time under the FOIA, find out if the federal records you want might be readily available at one of your own state agencies. For example, there would be no need to ask the Federal Election Commission for campaign contributions and expenditure reports already filed with, say, your secretary of state.

■ Ascertain whether you can use an agency's own bureaucracy to your advantage. For example, a request to a local or regional office of the Interior Department's Bureau of Indian Affairs, which maintains decentralized records and seldom operates with uniformity, may turn up a record that the central office in Washington won't release. It is also useful to know that there is no point in applying directly to federal prosecutors for documents; in the interest of uni-

formity, the Executive Office for U.S. Attorneys insists that all requests be funneled through Washington.

■ Be as precise as possible when describing the records you want since the law doesn't require an agency to respond to vague requests like the one from a high school student who wanted all the Army's documents on the Vietnam War. That doesn't mean you can't get an abundance of documents, if you're willing to wait and can afford to insist on your rights. A *Wall Street Journal* request is a case in point. In 1979 the *Journal* went to court to force the Justice Department to respond to its request for just about everything about everybody ever involved in Foreign Corrupt Practices Act investigations. That's at least a million pages of documents, perhaps as many as five million. So the department assigned a group of lawyers and paralegals to the job, and for the past four years the equivalent of three-and-a-half to four full-time people have been working on that single request, churning out documents. So far, more than 400 separate investigations have been reviewed and processors still have more than thirty to go, including some of the biggest ones, which were put off to the last.

■ State in your request that, if necessary, you are willing to pay fees (but put a limit on the amount, if you want to avoid a large, unexpected tab). This will save time, since some agencies automatically write back for an indication of your willingness to pay and won't begin processing your request until they hear from you. Also, always ask for a waiver of all fees; some agencies will grant such requests from the press. ■

one bank, would they have sent it?" Yes, Olsen replied. "Would they have marked out the name of the bank, which I would have obviously known anyway?" Novak asked. No, Olsen said. "Why, then," Novak wondered, "mark out the names if I happen to ask for three in one letter?" Olsen's reply: "I realize there are some inconsistencies in our policy."

Novak appealed on August 9, 1984, asking the FDIC to restore the banks' names. On September 11, FDIC deputy



C.J. Riken Elkins/The Anniston Star

Viveca Novak of the Anniston, Alabama, Star

'Within two weeks, the FDIC had sent Novak the cease-and-desist orders she had requested, but with the names of the banks blacked out'

general counsel Douglas Jones, citing exemption eight (financial reports), said names would remain blacked out.

Through deduction, Novak was able to determine which censored order applied to which bank, and went into print. She decided to leave it at that. "We simply could not afford the legal expense that would be entailed in pursuing the principle," she says.

Being incredibly literal: When Penn Square Bank of Oklahoma City failed in April 1982, *Tulsa Tribune* reporter Mary Hargrove asked the newspaper's Washington correspondent, Steve Ward, to get some documents from the FDIC. The banking directory she consulted listed the bank as "Penn Square Bank, N.A.," which Hargrove assumed stood for "North America." So she told the correspondent to make the request under that name.

Ward wired back from Washington, D.C.: "The FDIC flack called this morning and advised that our FOIA request for Penn Square records will be denied because they have no records on a Penn Square Bank of North America Inc. Turns out the correct name of the bank is Penn Square Bank, National Association. I'll hand deliver a new request today.

I thought I would point this out as an example of how a federal agency can be picky when it wants to be uncooperative."

The freedom fight: it's time to mobilize

The remaining list of obstructive bureaucratic tactics is a long one. It includes telling a requester to file under the FOIA when the information is available in a public file; denying the request because it allegedly fails to reasonably describe the records sought; transferring information outside the agency so it is no longer under jurisdiction of the FOIA; giving out illegible copies of requested documents; insisting the requester reveal the intended use of the information; creating "soft files" segregated from other files and thus never searched under the FOIA; asking a court to define an agency as outside the reach of the FOIA; failing to be specific about the grounds for denying a request, thus hampering appeals; classifying a document as secret after receiving an FOIA request for it; making it difficult to obtain information anywhere but at headquarters in Washington or, conversely, spreading out information in inaccessible field offices; hiding behind the Privacy Act; openly encouraging suppliers of information to object to its release.

Despite the roadblocks, journalists like Hargrove at the *Tulsa Tribune* keep filing FOIA requests. She knows the tool is imperfect, but sometimes it is the best tool she has. When denied information she believes should have been released, she writes members of Congress about it and sends strongly worded letters to bureaucrats.

After a denial last year from the Department of Energy, Hargrove appealed to the director of the Office of Hearings and Appeals: "I am sorry that a government agency would turn out such a poor excuse of an answer," she wrote. "Apparently DOE does not take its job seriously. I am hoping your office will respond more efficiently. I expect an answer within 20 days."

The persistence of journalists like Hargrove will remain the only way to prevail (sometimes) over recalcitrant bureaucrats unless Congress alters the FOIA to make timely, meaningful disclosure a more frequent occurrence.

Some of the changes that would be helpful are implied in the foregoing horror stories: more sympathetic agency policies on fee waivers for journalists; more people and better-trained people in agencies to respond to FOIA requests; promotions and raises for FOIA personnel who obey the spirit and the letter of the law; punishments for FOIA personnel who intentionally frustrate the spirit and letter of the law.

None of this will happen just because journalists want it to. At present, sympathetic members of Congress like Representative English and Senator Patrick Leahy, of Vermont, are too few to secure positive changes in the FOIA. Editors, reporters, producers, news directors — plus publishers and station owners — must persuade members of Congress one by one that the FOIA is a vital tool for doing a better job of informing the public. Journalists may be uncomfortable as lobbyists, but having the tools to do a good job should be considered a legitimate and nonpartisan issue on which to speak out. ■

London letter: This is Britain?

by WILLIAM BOOT

In a series called "Do They Mean Us?" BBC-TV recently concluded that television news around the world has reflected Britain like a fun-house mirror.

BBC was perhaps too affronted by the global TV image of its country — as a decrepit land of lunatics, layabouts, and living anachronisms — to appreciate the true artistry of some of the pieces by foreign broadcasters that it aired. But I can't help trying to get the most out of fine craftsmanship: these video gems from America and elsewhere can serve as the basis for a journalist's primer on how to cover the world and keep boredom at bay during days when nothing of great pith and moment is afoot.

Admittedly, some of the examples that BBC came up with fell a bit short of the mark by practically anyone's standards. An NBC report, for instance, asserted that Guy Fawkes Day is a strongly anti-Catholic celebration linked with Protestant extremism, whereas its main importance today is probably in keeping the fireworks trade booming. (Fawkes did conspire to blow up the king and return a Catholic to the throne in 1605, but the November 5 holiday's link with antipapism is today about as strong as that between Christ and Santa Claus.) A feature from Italy maintained that the English are becoming more Italian than the Italians: "The most elegant English drive cars made in Italy. . . . Italian fashion has got as far as the Palace. . . . The English kids don't just say *ciao*, they go and have an espresso." Even chauvinistic Italian viewers must have been skeptical — especially those who had been to England, heard nary a *ciao*, seen the kids bypass the espresso bar for a Wimpy stand, and discerned that, for many Brits, the wogs still start at the water's edge.

Where did these two features go astray? Was it simply in attempting to manufacture a story out of thin air on a William Boot, a contributing editor of the Review and formerly the author of its *Capital Letter*, now works in London.

slow news day? Hardly. There are now so many slow news days in Britain that a foreign correspondent who did *not* use his or her imagination might soon be out of work.

No, these features went astray because the reporters failed to follow a basic canon of foreign correspondency: any amusing or outrageous statement you make about the host country must conform to a prevailing stereotype of that country back home. If it doesn't, you might end up looking silly. But, if it does, you can get away with all manner of hyperbole, snide cracks, and other fun. If you say the British are becoming Italian, who's going to believe it? But if



The view from Italy: Why can't the British learn to eat spaghetti?

you say "British food is feared worldwide" — as a West German TV reporter did in a feature re-shown on BBC — you're home free because English grub is widely thought to be abysmal, even by those who have never tasted any. You could show — as did an Italian broadcast journalist-cum-slapstick-artist — how a "typical" British family, wedded to its wretched pork pie and chips, is incapable of learning to eat spaghetti (pasta, pasta everywhere — on the walls, the ceiling, the reporter's head: there is great scope for the subtle approach). You might even get away with a throwaway line speculating on whether starving third world peoples will be returning emergency food packets with British markings unopened. But, of course, one

should never exceed the boundaries of good taste.

For television, the basic technique I'm describing is really quite simple: first you pick your stereotype (remember that it doesn't really have to be accurate, just widely accepted); then you scour the countryside for a character to reinforce it and cast that person in the appropriate setting.

In one of BBC's choicer examples, we see how Morley Safer of *60 Minutes* casts one Cecil Lewis of Cornwall in a starring part. The setting is Lewis's home laboratory, filled with Frankensteinian contraptions which he has installed in order to zap his garden trees and plants with thousands of volts of electricity. The aim, Lewis says, is to enhance their growth. Probed by Safer, the wild-eyed experimenter continues: "I inject electricity into my trees much the same as if it [sic] were a mental patient's brain!"

Safer concludes: "When you point out that giant redwoods seem to grow rather high unassisted, he remains charmingly oblivious, just like a good English eccentric should."

There's your stereotype — eccentricity. People the world over believe that Britain is chock-full of it. This notion apparently dates back to the era when the English aristocracy and upper classes were well-heeled enough, and sufficiently insulated from conformist pressures, to get away with some rather dotty



The view from America: Eccentrics abound — this man zaps his garden plants.

habits. Those habits became a stock feature in films and popular literature, as witness numerous P. G. Wodehouse characters, to say nothing of Sherlock Holmes, who kept his tobacco in a bedroom slipper.

Audiences are amused by British eccentrics, they enjoy recognizing stock characters, and television news shows have not disappointed them. Among the samples BBC selected were:

□ Australia's Channel 7 introducing viewers to a retired RAF officer who has invented electric long-johns to keep him warm while motorcycling. He models



both: Serena Wadham

The view from Australia: Dig this lovable chap with his battery-heated long-johns.

these strange trappings for the camera and later demonstrates matter-of-factly how he plugs his underwear into his motorcycle battery.

□ A Brazilian television crew descending on a retired British juggler who drives a miniature double-decker bus in his garden and has rebuilt his front door to resemble a classic red British telephone booth: "And if you think [he] is one more British eccentric, you ain't seen nothing yet!" The telephone booth door swings open to reveal a household collection of 230 telephones, and they all ring.

□ West German television reporting the antics of Reg Miller, an elderly chap fond of risking his manhood by going into the local pub in Barnsley, south Yorkshire, wearing baggy trousers but no underpants, tying up his trouser cuffs, and dropping vicious, sharp-toothed ferrets into his trousers at the waist. He holds the world "ferret-legging" record — five hours, twenty-six minutes — and has not been unsexed.

And so on, and so on. Now, in point of fact, the strangeness of most of these characters is not especially British — it

is more a common, garden variety of nuttiness not so different from the sort one can find in New York, Los Angeles, or Seattle.

Indeed, many Britons contend that uniquely English eccentrics (Wodehousean figures blithely out of sync with modern times) are close to disappearing, along with the leisure class in which they once flourished. (Warning: eccentricity's decline is a story that conscientious foreign correspondents must never touch. To kill off this eccentricity myth, which has spawned so many serviceable clichés, would be like slaying the golden-egg goose.)

Another petrified chestnut is the theme of Britain In Decline — big news, perhaps, in 1919; today just another national stereotype. But oh, so useful. In continental Europe, it has given correspondents a license to gloat over British discomfiture in TV reports that are the journalistic equivalent of ethnic jokes.

Swiss-Italian television, for instance, zoomed in on an old codger sitting on a bench amid litter and abandoned furniture in a London slum.

Codger: "When I was born, to be British was to be a member of a superior people!" (He emits prolonged, maniacal laughter.) Reporter's voice-over: "The Empire is falling, the Kingdom is crumbling."

Danish television used essentially the same script but gave top billing to a raven in front of the Tower of London:



The view from Denmark:
The poor raven's wings are clipped — just like the Empire's.

Scene of raven hopping at feet of Yeoman of the Guard. Reporter's voice-over: "The legend is that when the ravens go, so will the Empire. The Empire has had its wings clipped, but so have the ravens." (Close-up of raven reveal-

ing clipped wings.) "The British have a miserable present and bleak future" — scenes of careening ambulance, gray-faced commuters — "but they have a glorious history and love to dwell on it."

BBC broadcast many other examples. One French reporter could not resist disdainful commentary in a breaking story — the arrival of Prince Harry last September: "A lucky people! They can forget all their troubles to celebrate the birth of a child!"

American reporters, you may regret to hear, are well-nigh forbidden from having this kind of sport with the British. There is an Anglo-American "special relationship," after all, and it doesn't pay to offend all the Anglophiles back home. When it came to the birth of little Harry, the contrast between the sardonic French report and ABC's could hardly have been more striking. Mike Lee of ABC declared: "Princess Diana looked as though she had been on holiday rather than in labor. . . . After taking his wife and new baby home, Prince Charles wrapped himself into his James Bond-style Austin Martin and drove to his regular Sunday polo match, where he scored three goals."

Derek Jameson, the former Fleet Street editor who was host to the series, went out of his way to give the devil his due. Some stereotypes about Britain, he acknowledged, are more or less valid. Some television features probably have conveyed the right impression. Yes, he admitted, the Brits can be faulted for butchering the French language, as French TV is wont to observe, and, yes, foreign broadcasters have correctly pointed out how racial problems have become more serious in the U.K. and industrial efficiency more rare.

That said, Jameson summed up the world video picture of Britain on a useful note: "So there you have it. We can't eat spaghetti, our food is feared worldwide, and we ought to wear electric long-johns. Do they mean us? They surely do."

Luckily for most foreign correspondents, they will never be subjected to this sort of scrutiny. In much of the world, the inhabitants remain sublimely unaware of the atrocities that visiting broadcasters might be perpetrating — all in the spirit of fun, of course. ■

Mexico: the U.S. press takes a siesta

The foreign press often scoops our best papers in covering our big neighbor's big problems

by ROGER MORRIS

In 1965, as the story goes, an Argentine leftist named Adolfo Gilly came to Mexico after making a name for himself as a revolutionary organizer and writer all over Latin America, from Chile to Cuba to Bolivia. Reportedly on a secret mission to support Guatemalan guerrillas, Gilly was arrested by the Mexican *federales* and sentenced to seven years in prison. While in prison, however, he wrote a Marxist interpretation of the 1910 Mexican Revolution which celebrated the event, especially its nationalist, anti-U.S. impulse, and which was widely read and acclaimed in Mexico. After his release, the authorities voided Gilly's conviction, absolved him of all charges, and eventually appointed him professor of political science at the National University in Mexico City. Thus was a onetime subversive transformed into a respected scholar.

"And you see," said a U.S. Embassy official who had watched firsthand Gilly's remarkable passage from prison cell to professor's chair, "that was not a story that was much reported by the [American] media, or much understood at all. It was too typically Mexican."

Gilly's story—symbolic of the often-disconcerting contradictions and complexity that remain characteristic of Mexico today—seems more than ever an apt example of the difficulty the U.S. news media have in dealing with things "typically Mexican."

From the turmoil of the revolution with its Pancho Villa raids across the Rio Grande, through sleepy decades that followed and the oil bonanza of the mid-1970s, journalists have often seemed to see Mexico in much the same fashion as tourists at a bordertown market, coming back with a kind of curio coverage. Filled with picturesque detail—and usually consigned to the back pages—it rarely captures the reality beneath the surface. When the oil boom went bust a few years ago, that reality suddenly broke through, most starkly perhaps in the torrent of illegal immigration pouring into the United States. While the crisis has produced some attentive reporting (and more than twenty full-time Mexico City correspondents representing twenty-seven U.S. news organizations), the shallow, belated, and rather helter-skelter nature of Mexican coverage as a whole seems woefully inadequate for a story that is taking place so close at hand—a story, moreover, that directly affects the lives of tens of thousands of American expatriates, tourists, and business

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Tom Kasser/Liaison

The border watch: A U.S. Border Patrol officer, equipped with night-vision gear, symbolizes the stepped-up effort to halt the influx of illegal immigrants from Mexico. Coverage of the conditions creating this human flood remains surprisingly spotty.



Ziggy Kaluzny/Liaison



Diego Goldberg-Sigma

The pervasive problem of poverty: *The inhabitants of a Mexico City garbage dump pick over the waste. U.S. reporting tends to focus on debt rescheduling and fiscal policy, providing a "bankers' brief" on Mexico. It rarely examines the causes of poverty.*

people, and that affects both nations' economies as millions of immigrants seek to cross the U.S. border. Mexico's considerable influence in Central America and the United States's interest in the stability of its big neighbor to the south underscore the need for better reporting.

Yet, by a kind of inverse ratio of proximity, important developments in Mexico may often be reported in more depth, and with more sophistication, by Canadian, British, or European publications than by U.S. papers and magazines. Much other news from south of the border tends to be glimpsed from a narrow local or topical perspective. Some stories go, as they always have, daintily untouched.

Big stories in search of a context

No Mexican-U.S. issue has been more written about and dramatized than the poignant traffic in illegal migrants seeking jobs and survival in the legendary north. Yet for all the space devoted to the resulting problems in the U.S. and to the intricacies of congressional immigration reform, coverage of the conditions creating the flood is surprisingly sparse. "Where Two Worlds Meet," a part of *The Economist's* August 20, 1983, "American Survey" devoted to Mexico, was a striking exception, setting the frontier and the relentless human stream flowing across it in the context of Mexico's desperate economy. That context is no mere abstraction in these days of congressional debates about how to cope with the immigration problem. Yet neither the problem itself nor the proposed solutions seem adequately reported in the rip-and-run wire service stories that pass for immigration coverage in many frontier papers.

Along the border, a dozen U.S. papers chart the fevers of local commerce between the two countries, sent up and down by the fitful peso. Few, however, look more deeply into life as it is led only a few miles across the boundary. A notable exception to this rule was provided by *The El Paso Times's* Michael Abrams when, last October, he reported on the clash between Juarez police under a new center-right mayor and a fiery Marxist group that had, in effect, taken over the job of governing the teeming Juarez squatters' slums. The rarity of such reporting is difficult to understand, given the fact that it is precisely such volatile border areas that are the staging ground for the flow of both people and drugs destined to end up on the U.S. side of the border. Another noteworthy article on the uneasy border balance between rich and poor appeared, not in a newspaper, but in *The Atlantic*. "A Matter of Jurisdiction," which appeared in the July 1984 issue, chronicled the politics of sewage dumping between Tijuana and San Diego, a topic that may seem unimportant to many but is emblematic of the interdependence of border inhabitants. (The author, incidentally, was not a working reporter but an Arizona journalism professor, Alan Weisman.)

If the Mexican frontier is too largely viewed by the media from one side, interest in what lies beyond it seems to pick up when southbound American tourists are involved. On October 5, 1984, *The New York Times* reported that the U.S. Embassy in Mexico City was considering issuing a travel advisory for tourists in the wake of several "road crimes" against Americans, including robbery, rape, and

murder. The *Times* dispatch followed a similar AP story the day before, which had been front-page news in the Phoenix, Arizona, *Republic* and other southwestern papers. On October 6 and 7 wire stories appeared in the *Republic* and in *The El Paso Times* about Mexican officials who were "upset" over the contemplated advisory, as well as about Mexican charges of a "slander campaign" being waged by tourism promoters in other countries. Two weeks later, another *El Paso* story reported official assurances that travel was safe in Chihuahua state, directly across the border from El Paso, but this was accompanied by a map showing the locations of five murders and one assault on Americans in the past six months. "It could be because of the economy," *The El Paso Times* quoted a U.S. Embassy spokesman as saying by way of explanation for the spate of attacks. "Things are getting hard."

Otherwise, nowhere in the strangely incomplete reporting was there a hint of the social or political conditions that might lie behind the surge of violence. Like the ceaseless flow of illegal immigration, the "road crimes" seemed to spring onto newspaper pages without rhyme or reason. What readers did not know — and what reporters might have learned beforehand from knowledgeable academics or from readily accessible published sources on Mexican developments — was that the murders, whatever their specific circumstances, took place in the context of mounting violence in the Mexican countryside in the spring of 1984, a wave of violence against political dissidents, peasants, and Indians that went largely ignored in the American media. Behind the murders was another intriguing and unexplored story — the purge some months before of thousands of Mexican "security agents" in a government attempt to stem the power and corruption of the increasingly powerful secret police force, an institution that receives considerably less attention than, say, mariachis and debt rescheduling. "There were all these secret police fired who never turned back their badges and weapons and who were roaming around," explains Milton Jamail, a writer and researcher on Mexico who is based in Austin, Texas. "You didn't have to look far to see that some of the free-lance violence might have been traced to that or to general unrest."

Getting down to the causes of a crisis

From the border and south along the main tourist highways, the Mexican story leads into the interior, where the terrain for journalists may be even less recognizable, and where accurate reporting is a matter of understanding not only the crucible of a runaway migration or roadside crime, but also the threats to the stability of a troubled neighbor.

Economics and fiscal policy have been at the center of American reporting from Mexico over the past two years, with the country reeling under ruinous inflation and stagnation, an enormous foreign debt on the edge of default, and painful austerity measures. Again, the British *Economist* — on August 20, 1983, as in an earlier, April 23 report — provided a model of lucid reporting, setting forth the often-arcane maneuvers Mexican officials were resorting to



Randy Taylor/Sygma

A dry land: A strong *Forbes* magazine article pointed out that journalists "rarely mention water. And yet water is in the most profound sense Mexico's greatest need."

as they sought to extricate themselves from their own economic blunders. Similarly helpful was a *Business Week* series, which ran in July, August, and September 1983, that dealt with what *BW* editors aptly called Mexico's "economic tightrope." *The Wall Street Journal's* Mexico City correspondent, Steve Frazier, filed thorough dispatches, which ran on August 21 and 30, 1983. "In Mexico, the bureaucracy is much more important than the marketplace," Frazier wrote in explaining what many observers see as the key to the country's peculiar mix of enterprise and state control. "All the abuses of capitalism [combined] with socialist inefficiency," as one U.S. diplomat put it.

At the same time, the *Journal's* articles, and comparable pieces in *The New York Times*, were clearly written with their Wall Street audience in mind — U.S. bankers and analysts interested in deficit estimates, trade surpluses, the gross domestic product. Thus, only at the close of Frazier's lengthy August 30 dispatch did the reader learn of other aspects of what was being touted as the Mexican "recovery" — a police raid on prep school students after Molotov cocktails were thrown at the National Palace on May Day, the kidnapping of a Mexican journalist who had criticized the regime, "several rare election losses" by the ruling Institutional Revolutionary Party. Another sign of the priority

given macroeconomic trends occurred when the government was forced to take over the country's telephone system in September 1984 because of "rapidly deteriorating service" amid a national strike of telephone workers: the three-inch story was buried in the *Journal's* inside pages.

Behind the bankers' brief on Mexico and on the relative success or failure of its fiscal technocrats — of their kind in the third world perhaps the best trained and most accessible to the media — hovers the pervasive problem of Mexico's grinding poverty. "There are few countries, even in the rest of Latin America," observed *The Economist*, "with such a disequilibrium in the spread of wealth." *Time's* August 6, 1984, feature on Mexico City, "A Proud Capital's Distress," was an evocative essay on the slums and inhabited dumps scarring the world's second most populous and perhaps most suicidal metropolis. But the *Time* story appeared rather late on the scene, coming as it did in the wake of a similar, but more powerful portrait by Rainer Fabian in Hamburg's *Der Stern*: Fabian's reportage on "this dictatorship of organized poverty" scooped the Americans by more than two years.

Agricultural failure accounts for Mexico City's vast numbers of destitute people as well as for the bulk of America's vast numbers of illegal immigrants; it accounts, too, for the 7 million tons of grain sold south of the border by the U.S., putting further strain on Mexico's slender financial reserves. Yet neither the business nor social stakes seem to have provoked serious media coverage of Mexican agriculture. "The future is not bright in the countryside . . . where poverty, unemployment, and migration carry risks of social explosions," a Mexican analyst wrote in January 1983 in *Proceso*, a respected Mexico City newsmagazine. It was a warning mostly ignored in the American press, an outstanding exception being an article by contributing editor Norman Gall in the August 15, 1983, *Forbes* magazine. In a searching interview, in Spanish, with Mexican President Miguel

de la Madrid, Gall explored, among other issues, what is perhaps the most vital and neglected of Mexican economic subjects: water or, rather, the lack of it. "When writing about Mexico, most journalists concentrate on the surface events — the price of oil, corruption, industrial inefficiency, the crushing burden of international debt, the flight of funds abroad," Gall wrote. "They rarely mention water. And yet water is in the most profound sense Mexico's greatest need." Irrigation, Gall continued, was the secret to the solution of both domestic poverty and foreign indebtedness, while, in a "vicious cycle," lack of water deprived Mexico of the very capital needed to solve its water problem and all the others. Entitled "Can Mexico Pull Through?" the *Forbes* report was very tough by comparison to most American reporting, yet Gall drew praise from de la Madrid at the close of the interview. "Your questions," the president volunteered as the journalist was leaving, "penetrated our reality."

Corruption, repression — and the incurious U.S. press

Part of Mexico's impenetrable reality for many in the media has been the country's pervasive corruption. No longer a tourist joke, bribery and theft at all levels of public life have long since become a major economic factor, and have severely damaged the ruling party's credibility. Yet, too often, it has been the British, the Canadians, and the Latin Americans who have done the hard reporting this subject deserves, while the American press seems to ignore the muck, or at least to hold it at a distance. When a multimillion-dollar scandal broke in 1983 over Pemex, the huge Mexican state oil monopoly, and its former director, Jorge Diaz Serrano, a longtime friend of powerful U.S. interests, it was Ronald Buchanan of *Maclean's*, the Canadian newsweekly, whose investigative reporting, begun in November 1983 and culminating in April 1984, unearthed a secret government doc-



Missing persons, missing stories:

A mother marches to protest the "disappearance" of a son. Most U.S. reports on human rights abuses — the growing number of political prisoners, the scores of desaparecidos — appear without context and are not followed up.



Sergio Dorantes Liaison

Presidential pomp — and a credibility gap: Evidence of corruption, often best covered by the non-U.S. press, is undermining the credibility of the party of President de la Madrid, shown here in a motorcade.

ument detailing the corruption and mismanagement. Meanwhile, *The Economist* in its July 9 issue of that year delved into Serrano's creative accounting practices and the "many skeletons" at higher levels of the regime. Writing in the conservative *O Estado de S. Paulo* of Sao Paulo for April-May 1983, Brazilian journalist Flavio Tavares provided a similarly thorough and damning report that traced several crimes to police headquarters, the "union mafia," and the apparatus of the ruling political party. (Closer to home for U.S. journalists, the *Toronto Globe and Mail* in September 1982 had exposed corruption in Mexican newspapers.)

In contrast, *Time* in July 1983 wrote nimbly about the "charge" against Serrano, which was said to have "astounded" Mexican politicians. Later *Time* articles, in May and August 1984, alluded to the corruption, including a report of the unsolved murder of a Mexican journalist who had exposed governmental thievery. On February 26, 1984, *The New York Times* quoted U.S. General Paul Gorman, head of the Southern Command, as branding Mexico as "the most corrupt government and society in all Central America." But U.S. reporting went little further, treating with almost weary resignation an issue of concern to American business from the Rio Grande to Wall Street, and to the myriad U.S. government agencies involved in Mexico. "I can't remember an American journalist digging the way *Maclean's* and some of the Latin foreign correspondents do," commented a ranking U.S. Information Agency officer of long service at the Mexico City Embassy.

Whether the subject is murdered tourists, worried bankers, or corrupt officials, the Mexico story leads American reporters, however haltingly, into the inner sanctums of

Mexican political power — the party and the police — and into still more sensitive questions of unrest and repression. Throughout the U.S. press there are glimpses of something rather more serious than sombrero vacations and earnest technocrats paying international debts, but seldom more than glimpses.

Thus, *The New York Times* on September 23 and *The Arizona Republic* on October 1, 1984, reported on the hunger strikers in Mexico City's legislative palace protesting human rights abuses, including the scores of *desaparecidos* (disappeared) and political prisoners seized, in the protestors' words, by "a fascist government in the sheep's clothing of democracy." *The El Paso Times* on October 15, 1984, ran a story on the assertive new mayor of Juarez, Francisco Barrio of the opposition National Action Party, and quoted a University of Texas scholar who was amazed that the federal regime had not yet "found a way to remove him." On October 28, 1984, *The Arizona Republic* reported on the death in a Mexican jail of a seventeen-year-old Arizona boy — a suicide according to the Mexican police. But when the corpse was returned to the U.S. for burial, a routine check by an Arizona coroner found electrical burns all over the body, strongly suggesting that the boy was a victim of police torture. RUN-INS WITH THE MEXICAN POLICE CAN BE NASTY, the *Republic's* headline said.

These are all scenes from other times and places — Argentina, Chile, Brazil, the Soviet Union, or South Africa — but not from the Mexico of most American newspaper or magazine readers. At that, the reports described above appeared without context and were not followed up. No major inquiry into human rights abuses bracketed the *Republic* or *Times* dispatches. No explanation of the customary "removal" of awkward political opponents made clear to

citizens of El Paso what the Texas professor was talking about. No exposé followed in Phoenix on Mexican police torture.

For further coverage of such unfamiliar and unsettling themes, readers would have had to dig out the May 7, 1983, *Economist* on the prospects for a "guerrilla challenge" in Mexico, and on the ruling political party's ubiquitous, often subtle repression of dissent; or would have to turn to Mexico's own *Uno Mas Uno* (December 18, 1983) and *Proceso* (December 20, 1983) on the rising threat of government censorship; or to *Latinamerica Press*, an interdenominational religious news service in Latin America in both Spanish and English, for its coverage (March 22 to August 16, 1984) of the regime's already stifling control of the media, of widespread violence in the countryside, and of human rights abuses confirmed and denounced by Amnesty International and Mexican church leaders.

When *New York Times* correspondent Richard Meislin reported on a convention of the ruling Institutional Revolutionary Party on August 27, 1984, he noted that the party was "the envy of democracies and dictatorships throughout Latin America" [emphasis added] for its control, but failed to explain precisely how or why. Similarly, *Time* on August 22, 1983, concluded politely that a crackdown on peasant dissent in Oaxaca "seemed inconsistent with the government's widely publicized goal of tolerating pluralism," stopping far short of the larger questions of political unrest and control.

"Mexico goes for cooptation, then corruption, then coercion and repression in handling opposition," says Texas researcher Milton Jamail. "It's a sensitive process the U.S. press can't or won't follow through." Adds USIA Mexican-desk officer Robert Meade, "I suspect American reporters and editors think there's not much of an audience for [Mexican politics] in the U.S. As a result, we don't see much of the kind of reporting *The Economist* and others do, and we ought to."

Foreign affairs — and an intimate liaison

There is at least one Mexican subject that has enjoyed substantially more U.S. coverage in the past two years: Mexico City's warmth toward the Sandinista regime in Nicaragua and its peace overtures in El Salvador, both of which frequently put it at odds with the Reagan administration. Yet if the Central American crisis has sometimes made Mexican diplomacy a wire-service staple, it has done little to put the policy behind it in a historical context that would enable readers to see Mexico's actions as something other than the simple anti-American impulse visible in isolated episodes. In April and again in August 1983, *The Economist* analyzed Mexican policy — straddled between its own paternalism toward Central America and its domestic and historical desire to achieve greater independence from the U.S. — with a sophistication rarely seen in the American press.

Meanwhile, one aspect of Mexican foreign relations seems to remain forbidden ground for American journalism, despite recent events in Central America: Mexico City's intimate liaison with covert U.S. agencies. The largest U.S. mission in the world, literally swarming with attachés from

the Drug Enforcement Agency and (according to some sources) the FBI, the U.S. Embassy in Mexico City has not been explored by reporters.

Among the most numerous of the Embassy's nondiplomatic denizens are the members of a large CIA station in Mexico City, long linked to the *federales*, with sometimes embarrassing but quickly concealed consequences. Beginning in January 1981, *The San Diego Union* ran a major investigative series on police corruption in Mexico. In the wake of the series, the local U.S. Attorney indicted, among other members of a far-flung car-smuggling ring, a high-ranking Tijuana police official named Naser Haro. Haro was also alleged to be a key colleague, if not an employee, of the CIA. It was a promising story, to say the least, but the full facts were never to be printed or brought to light in court. The U.S. Attorney, albeit a Republican, was summarily removed by the Reagan administration, the indictment was dropped, and the *Union's* stories on the subject abruptly ceased.

On September 27, 1984, *The New York Times* briefly lifted a similar veil when Philip Taubman reported that former CIA Latin America analyst John R. Horton had been pressured by Director William J. Casey to revise an intelligence estimate on Mexico. Casey wanted the report to portray conditions in Mexico as a threat to the country's stability and U.S. security, the *Times* revealed, and Horton's "data did not support such an alarmist conclusion." Intriguing and perhaps sensational, bristling with questions about Mexico as well as the forces that shape intelligence reports, it was another story destined for a dead end.

The obstacles to more searching, more accurate reporting from Mexico are familiar enough — the risk of lost access to the ruling party, the complexity of some stories, the press's formal exclusion from others (as when the government bars entry to volatile Guatemalan refugee camps along the southern border), the difficulty that Mexico City-based reporters have in hunting down stories in the countryside. "The last thing Mexico wants is publicity on its human rights record," says Joseph Eldridge, director of a nonpartisan education and research group called the Washington Office on Latin America. "There's great difficulty in doing that [the sensitive stories] in Mexico," echoes USIA officer Meade. "Relations with the press are such that you have to be careful." "If you write a tough story and you're wrong on the tiniest point," adds Jamail, "you're going to have trouble with PRI," the initial letters of the Spanish words for the Institutional Revolutionary Party.

At the same time, experts in and out of government agree that, given the enormous U.S. stake in Mexico — all those expatriate or visiting Americans, those millions of immigrants, the billions of dollars invested and loaned, and our vital national security interests — the need for better journalism south of the border is overwhelming. "It is a marriage without possibility of divorce," Ambassador John Gavin says of the U.S.-Mexico predicament. It is also a relationship, he might have added, whose importance has yet to dawn on many American editors. ■

The beat nobody wants

Everyone says education is important —
but you wouldn't know it from reading most papers

by MARY ELLEN SCHOONMAKER

Reporters who think of the education beat as a dead beat can take heart from the experience of Bette Orsini. It was an education story that took Orsini to the bowels of California's Folsom Prison and to a snowy cemetery high in the Rocky Mountains.

The subject of her 1980 piece for the *St. Petersburg Times* Sunday magazine was the causes of stress and suicide among college students, and during an eight-state quest Orsini had stopped to chat with a campus policeman at Stanford University. He didn't think suicide was a serious problem at Stanford, but mentioned a doctoral candidate who, after spending twenty years in a Ph.D. program, had bludgeoned his math professor to death. She found an unrepentant Theodore Streleski in Folsom Prison, along with a foot-high stack of records, court transcripts, and letters from graduate students all over the country, saying they understood exactly what had driven him to murder.

A few weeks earlier, researching the same article, which was funded in part by a Ford Foundation grant, Orsini had made one last late-night call from her motel room to a city editor in Fort Collins, Colorado, "just to touch base." He told her that, as they were speaking, police were bringing a body down from a peak in the Rockies, and it was believed to be a suicide. That's how Orsini ended up an anonymous mourner at the mountain funeral of Kris Gedney, a lonely student who had scored too low on his entrance test for medical school, watching the sad scene that became the lead of her dramatic story.

A Pulitzer Prize-winning investigative reporter, Orsini can pick her own topics to write about, but she always comes back to education. It is unparalleled in

importance, she says; its range of subject matter is vast, and "it offers unlimited possibilities for doing real public service."

A few years before, for example, an editor had told Orsini about a backyard conversation he'd had with his neighbor, a teacher, who complained about all the different tests she had to give her students. Orsini began what turned into a three-year investigation of the testing business in Florida, culminating in the indictment of the state commissioner of education in 1975 on nineteen counts of bribery, conspiracy, and perjury.

After a national search, the University of Maryland asked Orsini to be the first education-writer-in-residence for a week this spring at its College of Journalism, which is about the only journalism school in the country taking a hard look at education reporting. One of the major findings of research done by Associate Dean Roger Yarrington is that Bette Orsini's expertise and her enthusiasm about education are rarities in American journalism. There is only a handful of career education writers — perhaps a dozen or

two — currently working for U.S. newspapers. "The pool of talent is very shallow," Yarrington says, "and it's spread out very thin."

Somewhere in the collective unconscious of American journalism is the recognition that education ought to be seriously covered. In fact, it isn't. Editors send a small army of mostly under-equipped, overworked, and unencouraged reporters, many of whom view the beat as an obligatory period in purgatory, to cover a complex, elusive, and challenging topic.

Perhaps this schizophrenic attitude reflects America's odd stance toward education. This is the country, after all, that will someday send a teacher as the first private citizen into space — a reminder, says President Reagan, "of the crucial role teachers and education play in the life of our nation." Yet this is a country that, in 1983, paid teachers an average starting salary of \$12,000 a year. The words and the music don't fit.

The handful of reporters who have really mastered education know that the beat is anything but dull. "I don't have much patience with reporters who think education is boring," says Sandra Keyes, an education writer for seven years in Tennessee and Kentucky before she became op-ed page editor for *The Orlando Sentinel* last year. "I think those reporters have zero creativity. Education cuts across virtually every other beat: local government and tax policy; state legislative decisions; all kinds of social issues, religious issues, and psychology — how children learn. Few other beats offer so much possibility for creative reporting."

But are reporters the real problem? It is the top editors, after all, who set the priorities and define the beats. At some small papers, the education writer or editor is also the gardening editor, the entertainment editor, or the automotive editor, Roger Yarrington says. Many



CJR/Jerome Martin

Mary Ellen Schoonmaker, who was for two years education writer at *The Record* in Bergen County, New Jersey, is now a free-lancer who lives in Brooklyn.

papers do not even have an education reporter, according to Charles H. Harrison, executive director of the Education Writers Association. At some papers, he says, school districts are covered by municipal reporters. And of the dailies that have at least part-time education writers, he adds, many consider the beat an entry-level position.

Larry J. Hayes, editorial-page editor of *The Journal-Gazette* in Fort Wayne, Indiana, and an education specialist, believes that news editors, who tend to be men, are more interested in politics and sports and other "masculine-oriented" beats, so beats such as religion and education "that are not associated with male values get the least commitment and attention."

There's also a belief that it's easy to cover education, that it's just a matter of attending school board meetings. "We've had reporters tell us they cover twenty-one or more school districts," Harrison of the EWA says.

Two years ago, in her first job out of journalism school, my sister-in-law, Anne Hoyt, was education editor of *The Tri-State Gazette*, a small daily in Port Jervis, New York. She not only covered two towns and four school districts, but also filled an education page each week with stories and with photos she took herself. "I did a lot of things besides covering nightly meetings," she says, "but it meant working twelve-hour days, and sometimes longer."

Even though education is often the biggest public business in town, only one-fifth of the reporters answering the 1977 EWA survey said that their editors considered education a high-priority beat. Phil King, a former manager of external press relations for the National Education Association who has dealt with the media for thirty years, says that the minute education reporters show ability they are promoted to something else. As a result, the turnover rate for education reporters is high. Almost half of the reporters responding to the EWA survey said they had been covering education for less than three years.

Harrison of the EWA says that the biggest complaint he hears from education reporters is that they are bored. Often, the beat is not defined, he says, "or where the editor has defined it, the reporter spends all his or her time at

meetings. That leads to boredom. Those who stay in it are those who have the freedom to enlarge the beat" — that is, to do stories that go beyond the hard news.

Nat Hentoff, the *Village Voice* columnist, who takes a special interest in education, says the public generally hears about schools only when there is an explosion of some sort, such as the controversy last year involving former New York City Superintendent of Schools Anthony J. Alvarado. It's news "when something happens at the top of the pyramid," Hentoff says. "The basic denial of the tools children need to get somewhere is not news."

There's also a "sense of great faddishness" about education reporting, says Joseph Featherstone, a contributing editor of *The New Republic* and a former headmaster of the Commonwealth School in Boston. Some issue like teacher burn-out will preoccupy the national conversation for awhile. Then the topic changes, although the issue remains. "Teachers and the complexities of their lives are not represented," Featherstone says. "People don't know what it's like to have a hundred and seventy kids in a high school each week. It's a back-breaking, bone-breaking job."

One way to draw up a report card on the education reporting done by the nation's newspapers is to examine how a major issue was covered. The biggest in years came in the spring of 1983 with the release of "A Nation at Risk," the report of the National Commission on Excellence in Education, which warned of a "rising tide of mediocrity" engulfing the schools and called for reforms such as longer school days, more homework, and higher pay for teachers.

Not since the panic following the launching of Sputnik in 1957 has so much critical attention been focused on American classrooms. The reform movement that the report spearheaded also helped to give the education beat some long-overdue status. And it gave reporters a lot to cover: every state that didn't have its own task force or study of education already in the works had to get one going in a hurry.

The media pounced on the report. It was featured in newsmagazines, dis-

cussed on network television news and talk shows, and reprinted, in part, in newspapers such as the *Portland Oregonian*, *The Washington Post*, and *The New York Times*. Coverage ranged from localized wire copy to series on the standing of local schools with respect to the report's recommendations.

The ultimate series was done by *The Dallas Times Herald*. It gave three experienced education reporters seven months to write an eighty-eight-page, ten-part series, called "American Education: The ABCs of Failure." The paper not only sent the reporters all over the country and to Europe and Asia; it also commissioned the construction of an achievement test in math, science, and geography which was given to sixth-grade students in Dallas and in seven countries: Australia, Canada, England, France, Japan, Sweden, and Switzerland.

The test was designed by four prominent educators, including a Nobel Prize-winning scientist, and its results embarrassed everybody from the Dallas superintendent of schools to the U.S. secretary of education, who was quoted in the story. The test results, the paper said, indicated that "American children are among the worst students of mathematics in the industrialized world, and do not fare much better in science and geography."

The series concluded that the obligation of the schools to educate children with special needs, such as minorities and the handicapped, has taken a toll on high standards; at the same time, experts quoted in the series warned that the current emphasis on excellence could cause neglect of the goal of achieving equality.

In general, however, the press missed some important elements in the reform story. Few papers asked where the money would come from to pay for the longer hours and the higher salaries recommended in "A Nation at Risk." "You can't make these recommendations without paying more money for them," says Fred M. Hechinger, education columnist for *The New York Times* and the acknowledged dean of education writers. "A Nation at Risk" should have "an honest price tag on it," Hechinger says. (*The Los Angeles Times* figured that it would cost between \$12 million and \$13 million a year simply to

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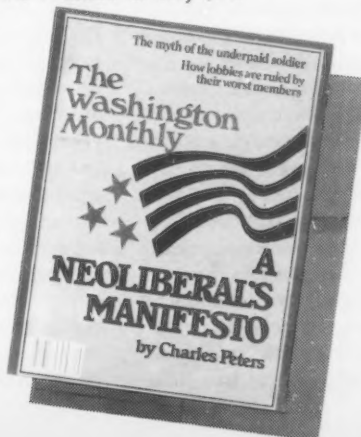
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restore the sixth period to the eleventh and twelfth grades in Los Angeles schools.)

Relatively few papers took note of the publication of any one of a number of other major reform reports that came out around the same time or afterward, such as those published by The Twentieth Century Fund and the National Science Board, and studies by such prominent educators as Ernest Boyer, John Goodlad, and TheodoreSizer. The last three called for major reorganization of high-school programs.

And, while most journalists accepted the report's criticisms of American education, few were critical of "A Nation at Risk" itself. Few noted, for example, that some of the reforms the report suggested were underway already, or that little mention was given to desegregation and the needs of disadvantaged and minority students.

Finally, there was little analysis of the motives behind the reform movement. Jonathan Kozol, the author of *Death At An Early Age*, the highly acclaimed book about teaching in a ghetto school, says he was "troubled and concerned" about how the press covered "A Nation at Risk." Reporters he encountered had more questions about economic than humanistic implications of the report. They wanted to know, he says, "How well are we doing compared to Japan?"

"We should be talking about education in William James's terms, James Madison's, or Thoreau's," Kozol says, "instead of in General Motors' or in Chrysler's terms."

Another big education story in 1983 was merit pay. One of the main points of "A Nation at Risk" is that the professional working life of teachers is, on the whole, unacceptable. Salaries should be increased, the report says, and incentive pay should be used to reward superior teachers and encourage average ones. President Reagan, who virtually ignored the more costly recommendations of the reform report, made a campaign out of the narrow issue of merit pay, and merit pay started making the headlines.

Most people know that teachers do not make much money. But the press and the public seem to prefer the image of the self-sacrificing teacher to the militant one demanding professional pay. When a 1983 survey revealed that Janice Her-

branson of McLeod, North Dakota, was dedicated to her work even though she was possibly the lowest-paid teacher in the country, she was literally overrun by the media. CBS flew her to New York to be on the *CBS Morning News*; an NBC film crew visited her and her story ran on *NBC Nightly News*; she was on the front page of *USA Today* and was contacted by *Life* magazine. Mrs. Herbranson, a widow who in 1983 was paid \$6,300 for teaching five students in a one-room schoolhouse, was even courted by a movie production company that saw her life as a real American story.

Like Mrs. Herbranson, the issue of merit pay received a lot of attention, in part perhaps because it allowed reporters to sidestep the prickly issue of whether we should spend billions of dollars to raise salaries across the board — in a profession that is not held in very high regard. Few newspaper stories were as thorough as a piece that ran in *Education Week* in June 1983, which noted that merit pay is not new in American education and does not mean the same thing to everybody. (In some communities it is regarded as little more than a tip.) The piece also raised questions about what a merit-pay program would cost and the various ways it could be run, and looked at some "master teacher" programs under consideration. The article also reviewed the history of merit-pay plans and quoted the report of a planning committee in North Carolina that found "more evidence to support the assertion that merit pay has had more harmful and disruptive effects [on teachers' performance] than it has had positive effects."

For some A-plus work, take a look at the stories that go against the trendy grain. Take the way David Bednarek, veteran education reporter for *The Milwaukee Journal*, wrote about a desegregation suit the Milwaukee school board filed against surrounding suburbs and the state of Wisconsin. The suit charged that the state and suburbs had cooperated to isolate black children in the city through the use of restrictive housing patterns. As he looked for ways to explain and illustrate the suit in his stories for the *Journal*, Bednarek thought of the booklet that came with the lot his own house was built on. It

contained a clause that said only whites could live in the subdivision. Then he found other deeds in public records with the same illegal restriction. His story about the exclusionary practices, and his neighborhood's part in them, ran on page one last September with a montage that included a photo of his house.

"I thought it was fairer to use my own suburb as an example," Bednarek says, "though my neighbors didn't." It was a powerful way of making his point that "racial segregation did not happen by chance."

At another Wisconsin paper, *The Journal Times* in Racine, Robert A. Frahm looked at the long-term effects of voluntary desegregation in the Racine schools. With a six-week study grant from the Institute for Educational Leadership, he set out to see how minority students had fared under integration and found that their education, while no longer separate, was still far from equal.

"Something is missing from physics, calculus, literature — all the top classes in Racine schools . . .," Frahm wrote. "In a district where one of every four students is black or Hispanic, the top academic classes are nearly all white." In his thorough examination of the school life of minority students, Frahm also found that they were suspended and placed in special education classes out of all proportion to their number in the school district.

Frahm, whose series won the Grand Prize for Distinguished Education Reporting given by the Education Writers Association and who is now state education writer for *The Hartford Courant*, believes that an education writer should try to see stories through the perspective of the people connected to the schools, in this case the students whose minds were being wasted. "There are a lot of people out there beside policymakers," he says.

At the heart of Frahm's series is the sentiment that drives every good education reporter: anger in the face of promise unfulfilled. Those reporters ask the hard questions — Is the administrative staff top-heavy? Does the building custodian make more money than a good teacher? Should girls in vocational ed spend all day doing each other's hair? — that result in important, compelling stories. ■

That (too long?) one-hour news show

by JAMES TRAUB

The MacNeil/Lehrer NewsHour is currently facing a row of whetted knives in the Public Broadcasting Service, so it's best to begin with the obvious: in its sixty-minute format the show is more varied, balanced, comprehensive, nimble, and possibly even fun than the old half-hour *MacNeil/Lehrer Report*, which it replaced in September 1983. No doubt it better satisfies the noble public service obligation of noncommercial broadcasting and makes a more lasting contribution to national debate. If *MacNeil/Lehrer's* makers want to claim that it's absolutely and positively the best daily news show on TV, let 'em. But this is not quite the heart of the matter. What really counts, at least to the connoisseur, is that the show's all-new format has left its nine-year-old essence untouched: the drama of two gentlemen quietly goading heavy thinkers and actors on the world stage into calling one another liars. It's not brilliant talk, it's not even usually eloquent talk; but even when it's dull it's good for you. If you watch *MacNeil/Lehrer* not as a sports event, as I find myself doing, but as a news show, you could cut down on your reading of *The New York Times* or *The Washington Post* and cut out entirely those high-cholesterol, low-protein network news shows.

In the months before the presidential election, the *NewsHour* ran a series of ten "Issues and Debate" segments that dived about as deeply as anyone could ever want to go into major policy questions. Here was the heart of MacNeil-Lehrer country — surrogates for each candidate grappled in debate, while experts honed their weapons in the wings. Nobody was allowed to dive for cover, yet the confrontations were subtle. MacNeil calls his method "civil interviewing." The adversaries were allowed to ramble and posture before being brought unobtrusively to heel. MacNeil

and Lehrer, as ever, posed disingenuous questions like, "Mr. A seems to have a point, Mr. B. What about it?" Each debate, with very little overt help from the anchors, reached its natural level of vehemence. The last of the series, on taxes, featured Mondale adviser Richard Leone calling on Treasury Secretary Donald Regan to apologize for propagating a supposed lie about Mondale's proposed tax rise, and Regan angrily rejecting the demand. Immediately afterwards two contending economists went over the fine print, and then the liberal called the conservative a fantasist, and the conservative called the liberal myopic, a reversal of the traditional terms of insult.

The show in this series which I think best typified *MacNeil/Lehrer's* traditional virtues was the debate on defense policy. The segment opened with a

THE ELECTRONIC BEAT

lengthy summary of the issue by chief Washington correspondent Judy Woodruff, who established the candidates' positions by interspersing her own narrative with bits of Mondale and Reagan speeches and with the sort of silly and apparently inevitable footage popularized by the networks — a battleship pulling languidly out of port to illustrate Reagan's pro-Navy stance, an underground atomic test with a big red "X" drawn over it for Mondale's opposition to testing. Woodruff, who is clearly the most incisive of the show's four correspondents, concluded aptly that the two sides differed not so much on spending levels as on matters of style.

Jim Lehrer took the ball from there, and the hostility level started rising right away. His first guest was ex-Secretary of Defense Donald Rumsfeld, marching under the Reagan banner. Rumsfeld was immaculately dressed, clipped, and icy, and after very little coaxing he accused Mondale of advocating something like

unconditional surrender. Lehrer allowed Rumsfeld to fill in all the grisly details, and then swung around to his next guest, Barry Carter, an unfortunately named defense-policy adviser to Mondale and a fairly rumpled character into the bargain. Carter took the offensive. "I find it surprising," he said, not looking the least bit surprised, "that Mr. Rumsfeld doesn't know better" than to question Mondale's faith in weapons systems.

Soon the contenders were ignoring Lehrer altogether. By the time he wanted to get back into the fray, it was too late, and the poor fellow was left to cry, "Mr. Rumsfeld, Mr. Rumsfeld," like a neglected delivery boy. Finally, he managed to wedge himself in to call on an expert. The expert is a crucial element of the MacNeil-Lehrer passive/aggressive style. MacNeil and Lehrer themselves are not only unimpassioned, but scrupulously neutral. As MacNeil himself says, "Where we have hooked into the viewers is that we aren't telling them what to think. We leave the synthesis to them." But sometimes the expert does the synthesizing. He criticizes everyone for missing the point, which he then explains.

In this case, Lehrer turned to Jeffrey Record, a senior fellow at the Institute for Foreign Policy Analysis in Washington. Record said the two adversaries were both right, and both wrong, and that neither of them understood the need to adjust foreign commitments to defense capabilities — a crucial point wholly outside the bounds of partisan foreign policy debate. Rumsfeld and Carter both began by saying that Record was right, and then tried to rhetorically wrestle their respective candidates into alignment with his views. Record then criticized both of them again ("The South Pasadena fire department could have beaten the several hundred Cubans in Grenada"); the argument went on, and Judy Woodruff had to virtually throw them off the air after half an hour of intricate detail, ugly accusation, and

James Traub, an associate editor at Channels, writes frequently about television.

verbal brinksmanship. And who says television news is a noncontact sport?

The old *MacNeil/Lehrer Report* consisted of virtually nothing save those talking, wool-gathering, and sometimes shouting heads. This pleasantly stuffy, Ivy League-debating-club style satisfied everyone save, it turns out, MacNeil and Lehrer, who considered it only "a toe in the door," according to the latter. The door, as MacNeil now explains it, is an hour-long show which provides "an unhysterical sense of perspective," much like a major newspaper. (Despite twenty-five years in television, MacNeil, like many older newsmen, refers to newspapers instinctively as a standard for his own work. His first book, *The People Machine*, documented how the networks sensationalize and thus distort the news.) The show would place several longer segments within the larger context of the day's news. Above all, it would get out of the studio and into the world, using one or two long, taped features every day. The show, in other words, would combine the balance and detachment of a newspaper with the pictorial immediacy of television.

The fact that one PBS insider refers to *MacNeil/Lehrer* as "the best radio show on television" argues that it may still be somewhat short of that goal. The *NewsHour's* four correspondents suffer from a drastic shortage of person power and money, but otherwise enjoy an enviable position: they have quite a bit of creative latitude, and they have time to burn — generally as much as ten or twelve minutes per report. Yet few of these little TV shows are memorable. I recall an evocative portrait of the tap-dancer Honi Coles by New York correspondent Charlayne Hunter-Gault, and a thoughtful piece on industrial pollution in Washington state by Denver-based correspondent Kwame Holman, and no doubt there have been a great many others; but most of the segments are distinguished from their network equivalents only by being more balanced and less racy — the Boy Scout virtues. Al Vecchione, president of MacNeil-Lehrer-Gannett Productions, the show's production company, calls the taped pieces "competent," and leaves it at that. The mini-documentaries seem to attempt the colorlessness and studied neutrality of MacNeil and Lehrer, a pose that courts

tedium in the absence of a dramatic subject.

The new show, in short, is simply not terribly creative — not, say, compared to *All Things Considered*. It's also not nearly as old, so there's no reason for despair. Certain innovations, such as illustrated personal essays and book reviews, are now creeping in towards the back of the show. Most of those I've seen have had the feel of gums rather than teeth; on the other hand, the idea of making skits out of the week's political cartoons, which the show started doing during the Democratic convention, is an uncharacteristically ingenious inspiration. But, come what may, the show seems likely to remain about as genteel as it is today.

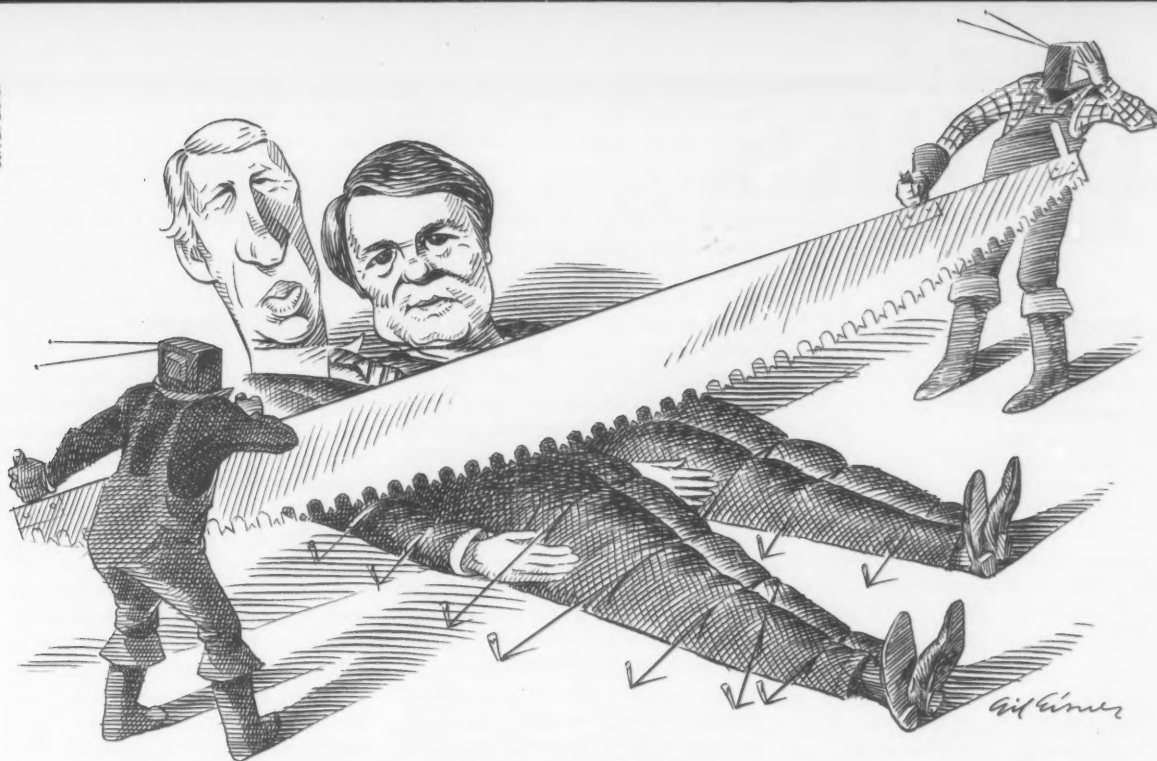
When MacNeil and Lehrer proposed, in November 1982, that the *Report* be expanded to an hour, they made some people very unhappy — the people who air their show all across America. Most public broadcasters were perfectly satisfied with the *Report*, and many of them could not understand why anyone would want to tamper with a good thing. The stations themselves would have to pay about a quarter of the show's \$21 million cost — serious money by PBS standards. But the show had a commitment from AT&T of \$10 million, with an additional \$2 million to \$3 million promised for promotion (the remainder of the budget comes directly from the Corporation for Public Broadcasting's program fund), and MacNeil and Lehrer obliquely threatened to sell their services elsewhere if the proposal was not accepted. So the stations voted to buy the show. But a great deal of irritation and impatience remains, and many of the 275 stations, possibly a majority, would rather see the show return to thirty minutes; a minority of stations, perhaps as many as eighty, may decline to pay for, and thus not carry, the show over the next year.

The odd thing is that even the show's worst enemies within PBS think it's a fine piece of work. Oh, they've had their complaints, like the show's slow pace, its haphazard organization, the insertion of postcards — loving shots of tranquil American places — that have provided almost daringly boring relief between daringly boring news segments. But the

show's executive producer, Les Crystal, has been harkening closely to complaints of late, and virtually all of these objections have been met.

Every unhappy family is unhappy in its own way, and the public broadcasting family's unhappiness is too complex and obscure to explain in much detail here. Much of *MacNeil/Lehrer's* difficulty, though, stems from long-standing hostility between the New York station, WNET, and the smaller, poorer, and quieter members. *MacNeil/Lehrer* started out under WNET's wing, and only escaped three years ago when the principals formed a production company of their own. Then there's hostility between the *MacNeil/Lehrer* folk and the stations, especially the smaller ones. The stations consider the show's staff arrogant and condescending. A *MacNeil/Lehrer* official seemed to lend weight to this opinion when he accused most dissenting station managers of having the mentality of "used-car salesmen." Finally, a number of the wee folk in the system seem to feel unpleasantly intimidated by the taciturn, cerebral, and altogether Scottish Robert MacNeil, of whom one PBS consultant says, "He talks only to his new wife, his mother, and God — in that order."

The station managers, and especially their program managers, would graciously overlook their injured feelings if the show hadn't wrecked their schedules. Public broadcasting stations have to worry about prime time and lead-in and so forth just as commercial broadcasters do, though presumably less obsessively. The stations have to satisfy viewers to keep the level of contributions high, especially as the current administration pares away at the CPB budget. (President Reagan vetoed the funding bill for the current year because it was \$14 million too high.) On many stations the old show ran during the half-hour between the end of the network news and the beginning of prime time. This gave the show an advantageous slot and preserved the prime-time schedule intact. But the extra half hour made the show, in the words of one PBS source, "an 800-pound gorilla" — no one knew where to put it. Program managers, who control scheduling, refuse to extend the show into prime time, and are reluctant to run it against the network or local



news. Thus, in some areas the *News-Hour* appears as early as 5:00 or 5:30 P.M.

The inevitable consequence of this shift is that *MacNeill/Lehrer* has not done well in the ratings. Bob Allen, executive director of the four-station Oklahoma Network and head of a group of southern stations many of which have vowed not to buy the show, moved the program from 6:00 to 5:00 when it went to an hour. He couldn't have expected to get many viewers then, and he didn't. Working people, after all, often aren't home that early. "We used to get a two share," he says, referring to the fraction of the audience viewing at that time. "Now we get zilch." Ohio stations report a nearly 30 percent audience loss between early 1983 and early 1984, and they publicly resolved, in early October, to search for a new half-hour alternative to *MacNeill/Lehrer*. Dale Rhodes, who studies ratings for PBS, points out that while the show's air time doubled, it enjoyed only a small increase in its viewing audience during a recent measurement period. The people at *MacNeill/Lehrer* argue weakly that the ratings figures are misleading, and not so weakly that every new show needs time, two years at least, to build an audience.

Failed businesses, it is said, don't run

out of money so much as time; and the question for *MacNeill/Lehrer*'s future is whether or not the stations will bear with it a little longer. Stations have been showing signs of impatience throughout the past six months. Last fall, *MacNeill/Lehrer* barely survived an early round of the preliminary voting by PBS stations which precedes the supremely complicated and lengthy electoral system that determines which programs make it and which don't. The show's thirty-fourth-place finish was a shocking display of dissatisfaction for a program so widely respected. In the annual program managers' meeting held in Seattle this past October, an informal show of hands found the audience preferring a half-hour format at least two to one. Several state and regional groups, including those in Ohio, Pennsylvania, and the south, have openly called for a return to the thirty-minute format.

Officials at *MacNeill/Lehrer* are trying to sound conciliatory while, at the same time, they circle the wagons, insisting that the show cannot and will not return to thirty minutes. Several compromise measures have been floated—divide the show into two thirty-minute "modular" units, reduce it to forty-five minutes and combine

it with a fifteen-minute *Nightly Business Report*—but none of them is making much headway. There seem to be only two alternatives—keep the show in its present form, or vote it out of existence. Many, probably most, stations will vote to keep the show, either because they're proud of it or because it's attracting a healthy audience or a goodly stack of membership renewals. Others, especially those who don't see much of a qualitative difference between a sixty-minute news show and a series on furry animals, will vote against it and save their money. The fewer stations that buy the show, the more each will have to pay, a factor that could accelerate the negative vote. If more than a third of the stations vote against *MacNeill/Lehrer* in the final, binding rounds of preference votes being held this month and next, it probably won't survive. One PBS official who is keeping close watch on the votes expects that many of the dissenters will undergo voting-booth conversions. "I don't think," he says, "that most of the system will bite that bullet." Embarrassment, not to mention conscience, may get the better of pique. For if the show does, in fact, die for lack of support, the public broadcasters who pulled the trigger may have a hard time looking at themselves in the mirror. ■

BOOKS

Inside flackdom

The Government-Press Connection

by Stephen Hess

The Brookings Institution. 160 pp.,

\$28.95 cloth, \$9.95 paper

by PHILLIP KEISLING

Like *The Washington Reporters*, his previous book in an ongoing series on government and the press, Stephen Hess's latest offering is a paragon of sober, understated observation. The object of

Phillip Keisling is a contributing editor of *The Washington Monthly* and co-editor with Charles Peters of *A New Road for America: The Neoliberal Movement*.

scrutiny this time is the government press officer — or, in journalistic parlance, the flack. Hess, a senior fellow at The Brookings Institution, spent a year shadowing press officers in the State Department, the Pentagon, the White House, the Department of Transportation, and the Food and Drug Administration. By his own account, his subjects were accessible and candid. Only one official insisted on off-the-record conversations, and Hess's security clearance afforded him access to classified military and diplomatic documents. Hess — correctly, I think — did not use extensive questionnaires as he did in *The Washington Reporters*; he relied instead on lengthy interviews, listening in on

phone calls, reading the contents of inboxes, and sitting through innumerable staff meetings. Such fly-on-the-wall reporting is a too-seldom practiced technique that can yield valuable insights into the actual workings of government — though in fairness it must be said that most journalists don't enjoy the luxury of patient editors or the patronage of think tanks.

Flacks have their blinders, Hess admits; for example, they show undue deference to reporters who happen to be based in Washington. (This helps explain why local reporters at such papers as *The Kansas City Star* or the *Portland Oregonian* sometimes feel that they're being treated like bothersome college



sophomores researching term papers.) But when it comes to two common, and somewhat contradictory, complaints that journalists make about press officers — that they are manipulative and incompetent — Hess largely disagrees. The press officers he observed didn't have time to manipulate the news even if they had had the inclination: they were too busy churning out information packets or tracking down facts for demanding reporters. As for competence, Hess characterizes the typical flack as neither burned-out nor brilliant: "I met no press officers with that combination of analytical ability, writing skill, and overdrive that is apparent in the best reporters." Instead, Hess says, the typical flack is not too different from the typical older wire-service reporter.

But, as Hess astutely observes, reporters refuse to recognize the resemblance. Though bound by a common interest in journalism, reporters and flacks are separated by considerable status barriers. "All reporters . . . feel superior to all career press officers," Hess states flatly, adding, "Reporters joke with career press officers in the same way that some executives joke with other people's secretaries." On top of this, these hapless flacks are suspect within their own organizations; Hess estimates only one press officer in five is sufficiently trusted to be within the "loop" for major decisions. (One example: none of the press officers who summoned reporters to the State Department on June 25, 1982, had any inkling that the reason was the replacement of Alexander Haig.) Ironically, this ignorance further feeds reporters' suspicions that they are being manipulated.

One understandable result is that flacks often take out their resentments on lesser journalists — much as desk clerks at a resort hotel will be obsequious to guests but patronizing to busboys in the kitchen. While at the Pentagon, Hess observed a briefing officer berating a struggling reporter for being imprecise; the Air Force wasn't going to go "back to the drawing board" or "re-study" the matter in question, but rather "re-evaluate" it. I had a similar encounter once

with a lieutenant colonel when I was working for *The Washington Monthly*. My questions admittedly were vague (the Pentagon wasn't my beat), and the colonel quickly let it be known he had better things to do. Hess's book makes me more sympathetic than I was then: colonels in the press office, he observes, are not considered "water-walkers" by their own superiors, and are going through the painful process of resigning themselves to never reaching prominence in their organizations.

This preoccupation with status takes other forms as well. For example, most agencies routinely clip and circulate relevant stories from the day's papers. Who gets these summaries, and how quickly, is a gauge of importance in a town keenly conscious of such things; about 125 administration heavyweights receive their summaries by 6 A.M. (actually, their chauffeurs usually pick them up), while lesser mortals must wait until 9. Status is likewise conferred on those reporters whose work is thus read regularly by Cabinet secretaries and key White House advisers, although the vagaries of time zones play an often unacknowledged role. The *Baltimore Sun*, a fine but hardly stellar paper, is regularly summarized by the State Department, while the *Los Angeles Times* (at least in 1981, when Hess did his research) is not. And since summarizing TV news reports is a lot of trouble, these are often overlooked; the result "magnifies the influence of *The New York Times* and *The Washington Post* . . . as it diminishes the influence of ABC, CBS, and NBC."

So Hess makes some intelligent observations. Still, it is revealing to subject this book to a litmus test: What value does it hold for a bright, enterprising reporter who's just been transferred to a Washington bureau? Such reporters obviously could use a few tips. How should — and shouldn't — they deal with press officers? Must they always deal with them? How can they better know when a flack is being helpful — and when he's trying to throw them off the scent? What tricks of the trade do press officers share when they gather together? How can reporters learn to get around press officers to reach those middle-level bureaucrats

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STATEMENT OF OWNERSHIP, MANAGEMENT, AND CIRCULATION

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BOOKS

who often are more candid (once they trust you) — and may know far more?

Judged by this standard, Hess's book greatly disappoints. Despite his privileged vantage point, he offers surprisingly few firsthand anecdotes. His best stories could easily have come from swapping tales with other reporters. What's more, Hess is so uncritical of press officers — there is not a single example of one trying to deflect a legitimate query — that the reader cannot help but suspect that Hess regards *them* as his real audience. He seems to be equally protective of established reporters. When I came to a passage in which Hess recalls hearing "inner-ring reporters ask for favors that would have been considered presumptuous coming from other reporters," my appetite was suddenly whetted. But Hess not only failed to name the reporters — he didn't describe the requests or even the agencies involved. He won't jeopardize any dinner invitations with that one.

Aspiring journalists who read this book won't learn much that will make them better reporters. They *will* learn how to become better "insiders," better able to avoid embarrassing inquiries at briefings, and appreciative of how the addition of the word "especially" can turn a routine announcement on Middle East policy into a news story. In this regard, Hess is like the kindly tennis pro who knows a lot about fundamentals, court etiquette, and what clothes to wear, but is unwilling — I strongly suspect he is able — to offer truly useful tips on opponents' weaknesses or strategies.

What's most disturbing, however, about Hess's approach is what it reveals about his own attitude to "news." He is generally uncritical of how insiders define the term. To be sure, he is aware that "nuance" journalism can go too far; in an intelligent discussion of leaks, he subtly lampoons the pretentiousness of William Safire and Joseph Kraft in somberly reporting, on the same day, two contradictory explanations of the "real story" behind the disclosure that a Libyan hit squad had been dispatched to kill President Reagan. Yet in detailing how Don Oberdorfer of *The Washington Post* relied on such nuances to learn of an impending decision by Reagan not to

sell jet fighters to Taiwan, Hess seems to have no doubt of the importance of the story.

Oberdorfer's story didn't really compromise national security (Hess's point); the real question is whether it really mattered if *Post* readers learned of the sale a few days early. Hess seems to think so, as do most Washington reporters, who measure their self-esteem by their ability to get a story out twelve hours before a flack issues a press release.

Hess does not seriously challenge the game itself; his sympathies gravitate to those who play it well. It is a subtle yet discernable tilt, and it is most apparent in his discussion of the daily briefings conducted by the State Department. These briefings, Hess laments, are no longer a "tool of serious journalism"; too many questions come from "representatives of minute specialized publications, free-lancers, world conspiracy theorists, a defrocked foreign service officer, agent provocateurs for the PLO and similar movements, visitors to Washington, and political ideologues of the right and left." As examples, Hess holds up for ridicule questions posed by a Lyndon LaRouche clone and (presumably for balance) an ardent Arabist and an equally zealous Zionist.

Sure, there are plenty of nuts loose at these briefings, not to mention at White House press conferences. But such dog-and-pony shows have always been overrated as tools of serious journalism. What's more, a reporter who doesn't cover a regular beat may indeed ask an embarrassingly unsophisticated question at a briefing — but beat reporters themselves can be so finely tuned to nuance that they'd miss an elephant if it wandered into the room. Think of such elephants as Watergate, the unpopularity of the shah in Iran, and Pentagon boondoggles like the C-5 cargo plane and the DIVAD gun, all of which were tracked down by non-beat reporters who spent their time elsewhere.

Hess has produced a worthy book that contains some pioneering work. One hopes that the next explorer to venture into this territory won't be so worried about offending the natives.

Political machines

Hidden Power: The Programming of the President

by Roland Perry

Beaufort Books. 232 pp. \$16.95

by MARK HERTSGAARD

Hidden Power is a quick and dirty job of a book on a subject that deserves better. Not for its sake, but for ours, as journalists.

Politicians are forever searching for ways to get voters to like them better, and in *Hidden Power* Roland Perry describes some of the high-tech discovery methods now at their disposal. The book is particularly concerned with how computer-armed political strategists use targeted opinion polls to adjust the public image of a presidential candidate, or incumbent, so that he will seem more ap-

Mark Hertsgaard, author of Nuclear Inc. and an associate fellow at the Institute for Policy Studies in Washington, D.C., is writing a book about the news media's coverage of the Reagan presidency.

pealing to people — usually very specific groups of people, whose support the politician needs to win election or to govern.

Perry concentrates on two men he calls "the two most successful strategists of the modern political era: Richard Wirthlin and Patrick Caddell. They more than any others have learned to use modern techniques for mass manipulation far beyond the fictional scenario envisaged in 1984."

The subject is important for journalists because, although one would never suspect it while reading Perry's book, we play a crucial, if often unwitting, role in this process. We are, after all, the strategists' means of reaching the people. It is primarily through news stories on television, as well as in newspapers and magazines, that the new, presumably more appealing images of the politicians are presented to the public.

This, of course, has been the great success of the Reagan White House dur-



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ing the last four years. The skill of Reagan's public relations apparatus at projecting through the news media its version of who Reagan is and what his policies have meant for the nation has been crucial to the president's popularity and reelection.

David Gergen, who helped run Reagan's media operation until resigning as White House director of communications in January 1984, used to say that a president cannot govern successfully if he does not get the right story out through the "filter" of the press. Gergen and his colleagues did their job so well, however, that the news media under Reagan usually resembled a clear windowpane more than a filter. Not only was the administration's preferred self-image generally passed through to the public intact; news stories for the most part offered few hints at how calculated, contrived, and ultimately dishonest that image was.

Perhaps if journalists gain a better understanding of how strategists in the White House and elsewhere employ computers, opinion polls, and advertis-

ing techniques to mold their message for the masses, we can do a better job of exposing and resisting such efforts at manipulation. We will at any rate no longer have the excuse of ignorance if we do not.

Unfortunately, *Hidden Power* is far less helpful at showing us how politicians are programmed than such a book might have been. The truly useful information the book contains — an inside account of how the sophisticated Political Information System (PINS) of Reagan pollster and strategist Richard Wirthlin is designed, operated, and used — is useful indeed, but it could have been communicated in full in a medium-length magazine article.

The vast majority of the book's 232 pages are filled with fluffery masquerading as political intrigue. The dust jacket of *Hidden Power* says that the author, besides being a journalist and interviewer, has just finished his fourth novel, and Perry clearly tried to write *Hidden Power* so that it would, in the phrase so beloved by publicity agents for

nonfiction books, "read like a novel."

There is nothing wrong with applying narrative techniques to the writing of journalism. Robert Caro, Gay Talese, and David Halberstam are only three of many writers who have excelled at the task. Roland Perry, however, does not. Part of the problem is hinted at by a 3 × 5 white card that fluttered to the floor when I first opened the book. On it was printed one sentence: "*Hidden Power* includes some dramatic reconstructions of events and dialog based upon the author's extensive research and interviews." Now, it is probably too harsh to say that Mr. Perry outright fabricated quotes he credits to such characters as Presidents Reagan and Carter and their wives. But the problem is that the reader can never be sure just how much of what he or she just read is literally true.

Perhaps, on trivial points, it matters little. Whether Ronald Reagan, in his first meeting with Wirthlin in 1968, actually "surprised Wirthlin by knowing more about the Mormon Welfare program" than the Mormon Wirthlin did

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himself is dubious but inconsequential. But whether President Carter's nationally televised speech suggesting progress towards the return of the American hostages from Iran, broadcast on the morning of Carter's crucial primary election contest in Wisconsin against Senator Edward Kennedy in 1980, was guileless happenstance (as Perry's quotes from Carter and as his advisers suggest) or calculated overstatement (as, in a curious contradiction, Perry's own prose suggests) is an important question.

The reader should be able to check an author's sources in such instances, but *Hidden Power* contains none. Not one. A full-page ad in *The New York Times Book Review* boasted that the book "is the result of four years of intensive research and over 100 taped interviews." Well, maybe, but where is the evidence? There are no footnotes, no lists of sources interviewed, not even an index.

Credibility is further undermined by a distressingly large number of minor factual errors that cast doubt on the carefulness of the research. Repeatedly, the name of the most popular American

newsman of the last twenty years is spelled Walter Kronkite. Gerald Ford, according to dialogue attributed to two top aides of the former president, saw himself as a good campaigner because "he [had] been a successful candidate in Senate elections." That the author apparently does not know that Ford ascended to the Oval Office after a long career in the House of Representatives does not inspire confidence in his broader statements about American politics.

The book fails on fictional grounds as well. The dialogue makes soap opera scripts sound believable, and the portraits of central characters, especially Wirthlin and Ronald and Nancy Reagan, are fawningly one-dimensional. Wirthlin is the hero, but he should almost be listed as co-author. Perry apparently consulted closely with Wirthlin on the book, and it is Wirthlin's interpretation of events that prevails in the narrative. (The *Baltimore Sun* reported last August that a number of White House aides were badmouthing

the book, claiming that it gave Wirthlin far too much credit for Reagan's political success.) Finally, the basic thesis and plot of *Hidden Power* — that the last sixteen years of American politics can be understood as a battle for power between Wirthlin and Patrick Caddell — is, to put it generously, reductionist.

So, why read this book? Because, despite all its shortcomings, it nevertheless does communicate how completely and cynically opinion polls have been elevated to godlike status in modern presidential politics. Not, mind you, so that politicians can determine the people's views on matters of public importance and adjust their policies accordingly, although that would be democracy in action. No, politicians like Reagan use opinion polls to adjust their public images in such a way as to fool people into thinking their policies have changed.

Roland Perry does not report the following story, but in 1983, in response to disturbing trends detected by Wirthlin's PINS, the White House propaganda apparatus ordered a public relations blitz on the education issue. In response to



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BOOKS

poll data indicating two-to-one public disapproval of Reagan's cutbacks in federal education aid, the White House executed a communications offensive that portrayed the administration as favoring "excellence in education," merit pay for teachers, and greater classroom discipline. Reagan himself gave voice to these slogans at some twenty-five-odd appearances around the nation. The end result was to reverse Wirthlin's polling figures to a two-to-one support for Reagan, without actual Reagan policy changing at all.

The most valuable part of *Hidden Power* is chapters ten and eleven, a mere eighteen pages that contain a concise description of Wirthlin's Political Information System and how it was used to plot strategy during Reagan's 1980 campaign against President Carter. The information can be trusted as accurate, I believe; the passage reads as if Perry simply tidied up Wirthlin's own description of how his invention works. (How Pat Caddell's computer polling operation worked in that campaign is never

explained in such detail. Perry leaves the impression that Wirthlin's system was uniquely sophisticated and superior to Caddell's, but was this actually the case?)

One of the many virtues of PINS was that it allowed the Reagan team to test campaign tactics in advance and then quickly judge their effectiveness. Should the candidate add a campaign stop in New Jersey? What particular messages should he emphasize there? Which advertisements did most to boost support for him?

PINS told Wirthlin in 1980 that it was imperative to "make the Governor appear less dangerous in the foreign affairs area, more competent in the economics area, more compassionate on the domestic issues, and less of a conservative zealot. . . ." It also told him how to go about doing this. After testing various approaches, Wirthlin confirmed via PINS the ideal tactic: Reagan should choose Gerald Ford as his running mate. PINS also cautioned the Reagan cam-

paign against allowing the candidate to attack Carter personally too soon in the race: "Wirthlin wanted to be sure that at least 70 percent of the nation felt they understood Reagan and his policies before he was let loose to attack the incumbent," reports Perry.

After Reagan's victory, Wirthlin set about applying his computer system to the running of the government, to "the endless campaign" of enlisting public support for the president's policies. "A continual loop of manipulation or persuasion would be set in motion," writes Perry in a fine, concise summary of the PINS approach to political packaging:

First, a policy would be developed (for example, to expand the military). Second, the polls would indicate the policy's acceptability by the public (more than 55 percent of the nation think that the U.S. should have a stronger military). Third, more polls would indicate how the policy should be packaged and sold to the nation (by having the president make a prime-time TV address expounding on the "peace through strength" theme used successfully in the 1980 cam-

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paign). Fourth, polling would be carried out to measure the effectiveness of the selling.

Judging by the results of the 1984 election, the selling has been effective indeed. Which is not to say that Ronald Reagan's victory was solely a result of slick White House propaganda techniques; clearly there were many other factors at work. But just as clearly, those techniques did play a role in the public's positive views of Reagan. How important a role is a question open to, and demanding, study and discussion. *Hidden Power's* virtue is to provide information needed for that to happen.

Living once-removed

A Saving Grace

by Ken Hartnett

Houghton Mifflin. 347 pp. \$15.96

by RALPH WHITEHEAD, JR.

An awful lot goes on in Ken Hartnett's potboiling novel of a Boston newspaper war: murder, arson, kidnapping, mob violence, shady real estate dealings, adultery, one political campaign, two boardroom power plays, half a dozen betrayals, and a climactic visit by the pope. Hartnett's plot and his depiction of the rival papers are implausible, but his portrait of the protagonist, Tony Owen, rings true. He is — or, more precisely, he *becomes* — the only three-dimensional figure in the book. What he has to say makes *A Saving Grace* worth a look.

As the story opens, Owen, a working-class product of the Boston neighborhoods, is precisely where he has always wanted to be, holding down the job of lead columnist for the *Morning News*. Nicknamed the *Bruise* for its hard-hitting style, this tabloid gives voice to the blue-collar resentments of its 250,000 subscribers and wages class warfare against its stronger A.M. rival, the lumbering and ruminative *Mammoth*. Guided by a Brahmin elite, the full-sized paper ignores the tabloid and genteelly fronts for the mayor, Cornelius J. Haydon. Owen's job is to set his paper's ideological line — for example, by pick-

ing the Little Guy who is this morning's victim of the Big Shots. He thinks he loves his work.

Eventually, the pressure of events forces him to see the psychological limits of his craft; he realizes how little an emotional life he has of his own. For twenty years, he has lived chiefly at secondhand through the lives of his subjects, and has cut down even this vicarious experience to conform to the conventions of his prose. For all his avowed street savvy, he knows very little of the people around him because he understands so little of himself. At forty-two, he knows every cop by name and every ward-heeler by reputation, but he can't translate inside dope into an inner life.

"I never have to take the risk," Owen winds up saying. "I'm insulated. All the while we can look brave as hell, but we're never really on the line, not as people we're not. For Christ's sake, who the hell are we as people anyway? Do we exist? We don't even vote. . . . [W]e sit and hear everybody's confessions and we always have the last word on what's wrong and what's right, and as long as we stick by the book we don't have to worry about a goddam thing until the day we pick up our pension. We're like parents who live through their kids . . . and we never do anything but watch."

A lot of us know the feeling. The reporter's life draws people with an appetite for experience and, at least at first, the work is satisfying. It lets them go places they wouldn't otherwise go, see things they wouldn't otherwise see. After a while, though, a breadth of shallow experience loses its force and becomes mechanical and stale. Those who are looking for depth and intensity may find it, but probably not in their work; they are too shackled to the superficial formulas for getting and telling stories. If they want to explore the question of inner experience at length, they may feel obliged to do what Ken Hartnett has done and turn to fiction as the proper form. If you spend too much of your working life doing what used to be called three-and-a-half-take stories, Tony Owen is saying, then you may wind up having nothing more than a three-and-a-half-take life. ■

Ralph Whitehead, Jr. is the Public Service Professor of the University of Massachusetts.

**WILL INFORMATION AND
THE NEW INFORMATION
TECHNOLOGIES RESTORE
AMERICAN WORLD POWER?**

Information and the CRISIS ECONOMY

Herbert I. Schiller

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It is the author's conviction that though these efforts may succeed, at least partially, in the near term, more intense crises are being created which will be experienced in the not-too-distant future. Democratic participation in the decisions now being made is what is absent and what is vitally needed. *Information and the Crisis Economy* is available through your local bookseller or directly from the publisher.

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Winter 1985

*The Culture Gulch
of the Times*

JOHN L. HESS

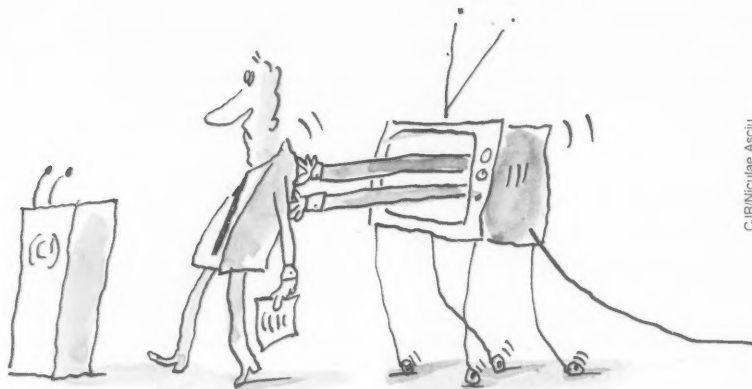


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BRIEFINGS

by GLORIA COOPER



CURRICULAE ASCU

The TV monkey wrench

Foreign Policy on Deadline, by Lloyd N. Cutler, *Foreign Policy*, Fall 1984

The uncertainty principle of quantum mechanics is often invoked by media watchers who worry that television coverage of a given phenomenon irrevocably alters that phenomenon's very direction and shape, but most of their concerns have tended to center on elections, courtrooms, and the football field. Now, as Lloyd N. Cutler's provocative essay makes clear, the concept may be applied with equal validity to foreign policymaking as well. Drawing on his experience as White House counsel during the last two years of the Carter administration, Cutler describes the ways in which the timing and substance of key decisions involving international affairs — the hostage crisis in Iran, the negotiations for Salt II, the Soviet invasion of Afghanistan — were directly affected by reports on TV; he suggests, moreover, that the Reagan administration's response to crucial events — the return of the Marines to Lebanon after the Phalangist massacre, the invasion of Grenada after the bombing of the U.S. compound in Beirut, the escalation of anti-Soviet rhetoric after the downing of the Korean jet — were no less free of the influence of the tube.

The villain in Cutler's piece is time. The immediacy with which television reports on world events, combined with the urgency of

its images and the vastness of the audiences those images reach, exerts overwhelming pressure on the government to produce, in time for the evening news, a response — any response — that may in fact be ill-advised or premature.

As one example of the risks of the race against television's "doomsday clock," Cutler recalls how the White House's hastily conceived decision to put an embargo on U.S. grain sales to the Soviets after their invasion of Afghanistan — a decision announced by Carter on the evening news — failed to take into account the billions of dollars worth of grain that American farmers had already agreed to deliver to the Soviet Union; only the lucky happenstance that Carter's announcement was made on a Friday (thus allowing officials a frantic weekend to fix things up) saved the grain market from disaster. Similarly, Cutler contends, the president's need to respond forcefully on television to intelligence reports of a Soviet brigade in Cuba — a brigade that, it later turned out, had been known to be present at that location for the past seventeen years — aroused a flurry in the Senate Foreign Relations Committee significant enough to delay passage of the Salt II treaty for ten crucial weeks. And as a still more recent case in point, Cutler offers the superficial media events surrounding Jesse Jackson's trips to Cuba, Central America, and Syria, which

culminated not only in the return of certain prisoners, but also in the opening of a Reagan initiative in negotiating with Syria's Assad.

Since the impact of television on foreign policy — a phenomenon, Cutler hastens to stress, that can have both good effects and bad — is hardly likely to diminish as time goes on, what's a country to do? Cutler puts part of the burden for reform on the shoulders of television journalists, challenging them to produce programs about the political process that would make the public more aware of the role that television plays. The heavier part of the burden, of course, he assigns to the government, urging, among other things, that officials slow down the doomsday clock by "creating" news at times of crisis out of the decision-making process itself: they could, for example, provide "photo opportunities" for TV to cover arrivals and departures of those gathering at cabinet meetings, in situation rooms, and at conferences with foreign allies and domestic interest groups. It all has the rather bad odor of media manipulation, but Cutler presumably prefers that to the more lethal gases that can be released when the government reacts over-hastily for the media's sake.

The muckraking market

The Alternative Influence, by Philip F. Lawler, *The Media Institute*, 1984

Conservative money may buy prestigious think tanks, publicized research, sophisticated mail campaigns, and conspicuous message ads, but it hasn't done a whole lot for the cause by way of big-time exposés. That territory traditionally has belonged to the liberals, whose near-monopoly on muckraking has afforded their cause priceless access to the masses' hearts and minds.

At least till now. Over the past few decades, a number of investigative-reporting groups have come on the scene that range across the political spectrum, and in an effort to appraise their relative impact on the U.S. media, the conservatively oriented Media Institute here presents a revealing study of nine such groups: the Better Government Association, the Fund for Investigative Journalism, Pacific News Service, *Mother Jones*, the Center for Investigative Reporting, the Investigative Resource Center, the Fund for Objective Reporting, the Sabre Foundation, and *Reason* magazine. The study details in separate profiles the background, structure, characteristic work, and relative appeal to



major news outlets of each of the groups, and concludes that much of the enviable power of those that lean to the left derives from their close interconnections.

Turning the tables on a July/August 1981 article in *CJR* that disclosed the staggering investments in such opinion-shaping organizations as The Heritage Foundation by right-wing millionaire Richard Mellon Scaife, Philip F. Lawler, a former managing editor of The Heritage Foundation journal *Policy Review*, traces the ideological and journalistic ties that bind a consortium of media organizations spawned by the left-wing Institute for Policy Studies and its former co-chairman, philanthropist Philip Stern — a network that today comprises a research facility (IRC), a funding mechanism (FIJ), an investigative-reporting team (CIR), a syndicated news service (PNS), and a popular magazine (*MJ*). While not illegal, Lawler opines, the coordination of efforts by “a small coterie of political activists” raises serious questions about the independence of the press.

Like, in other words, goes to like, and as his comparative sampling of typical stories funded by the liberal Fund for Investigative Journalism and its conservative counterpart, the Fund for Objective News Reporting, suggests, the chances are just as remote that “Cover-Up,” Seymour Hersh’s exposé of events at My Lai, would have appeared in the ultraconservative magazine *Human Events* as that “The Humanistic Case Against the FDA” would be published in the ultra-liberal *Mother Jones*. Crossovers, nevertheless, do occur — for one, the conservatively inspired attack on the politics of the World Council of Churches that aired on *60 Minutes*, a program which by virtue of its connection to network television is perceived by most conservatives as a part of the liberal camp. The secret of such successful cross-overs, in Lawler’s view, lies in presenting a

liberal news outlet with a story that, despite its own ideological biases, it just can’t pass up. Lawler would seem to have a point. After all, you’re reading about this in *CJR*.

Hemispheric conditions

Survey of Press Freedom in Latin America 1983/1984, compiled by the Council on Hemispheric Affairs and The Newspaper Guild, June 1984

Exile, torture, licensing, murder — the quality of Latin American journalistic life is a familiar story, certainly to regular readers of the *Review*. But even those who follow the volatile region closely can sometimes have trouble keeping track of the score, what with twenty-six countries, each with a unique history of politics and the press. This informative survey brings it all together, updating the situation for all of 1983 and the early months of 1984 and establishing a context for understanding as new events unfold.

The forty-two-page pamphlet presents quick-take sketches of each of the countries, including a pertinent history of the current

regime as well as documented incidents in which news media are involved. But shocking and newsworthy as such incidents may be, the survey suggests that freedom of the press is most seriously threatened by more systematic and less dramatic forms of control: government distribution of newsprint, government advertising, government licensing, and bribes. Weighing the findings of the bleak report, Charles A. Perlik, Jr., who heads both of the sponsoring groups, judges that, while there is good news and bad news, most of it is pretty bad. As an example of the former, Perlik points to Argentina, which, at least at the time of his writing, was beginning to make progress toward democratic goals. As an example of the latter, he cites the Reagan White House, which during the period under review not only imposed appalling restraints on the U.S. press during the invasion of Grenada, but also took action against a Canadian correspondent for *Prensa Latina* on the ground that he did not have a license to represent a Cuban agency in the United States. Control of Latin American news by governments in our hemisphere is not always confined to the likes of Havana, Santiago, and Port-au-Prince. ■



UNFINISHED BUSINESS

Newsday on Baby Jane Doe

TO THE REVIEW:

In publishing "The Half-told Story of Baby Jane Doe" (CJR, November/December), the *Columbia Journalism Review* itself told only half the story.

The author, Steven Baer, was identified only as a former correspondent for *The Phoenix Gazette* who, "until recently, worked with Americans United for Life Legal Defense Fund, a Chicago public-interest law firm dealing in such bioethical issues as genetic engineering, euthanasia, and abortion." In fact, Baer and the law firm are committed partisans in the Baby Doe debate. According to the *Chicago Tribune*, Americans United for Life handled the appeal of the original Baby Doe case in Indiana. Baer served as the firm's director of education. In essence, the article is a revised and expanded version of a press release put out in December 1983 by Americans United for Life. Baer was listed as the "contact" on that release.

The release relied heavily, as did the CJR piece, on the view of Dr. David McLone, who questioned the "bleak prognosis given at the hearings" on Baby Jane Doe's case but had never examined Baby Jane nor seen the baby's medical records. Throughout its coverage of the Baby Jane Doe case, *Newsday* consulted medical experts on all sides. Some strongly argued for aggressive treatment — including surgery — for babies like Baby Jane; others opposed surgery. Baer complains that Dr. McLone, who argued the case for aggressive treatment, was not quoted. *Newsday* reported the experts' arguments but did not consider their views definitive, given that none had examined the baby or her medical records — a point that many of the doctors themselves emphasized.

The CJR piece essentially accuses *Newsday* and the rest of the media of distorting the medical condition of Baby Jane Doe by neglecting the testimony of Dr. Albert Butler, chief of neurological surgery at University Hospital. The piece implies that Dr. Butler strongly disagreed in court with the testimony of Dr. George Newman, the neurologist who had advised Baby Jane Doe's father.

Newsday didn't detect such a conflict in

the court testimony; neither did other newspapers, the wire services, and broadcast reporters. Nor, for that matter, did the sixteen higher court judges who reviewed the trial transcript. The reason no one could find the supposed conflict in testimony: it wasn't there.

In fact, the hearing transcript shows that Butler agreed that the nonsurgical treatment adopted by Newman and the baby's parents was "medically reasonable and acceptable." Baer has to perform contortions with the transcript to arrive at his conclusion.

Here is a quote from his CJR article:

The *Newsday* summary painted a general prognostic consensus where none existed. For example, contrary to *Newsday's* report that Butler agreed with Newman that Baby Jane Doe would 'live a life in bed,' Butler actually testified that 'as the child aged I don't think it would necessarily mean in the situation the child would be crib-bound. . . . Certainly there are some who are able to get up, sit in a chair or sit in a wheelchair and look around, be aware of their surroundings. . . .'

Here is the full section of the transcript in question:

Q: Would you describe for the court the day-to-day life that this child would live at home after surgery?

A: The child in the earlier years would very likely be crib-bound, requiring considerable care of the general nature of a thorough cleansing, making sure that the infant did not lie too long on one area of the skin, so that the skin would not break down, the meticulous care related to changing the diapers because of the expected paralysis of bowel and bladder control.

As the child grew older — Let me go back. There would also be the increased risk of infection in a child who is not normally as mobile as one would be as they increased in years. Then as the child aged I don't think it would necessarily mean in the situation the child would be crib-bound.

Certainly there are some who are able to get up, sit in a chair or sit in a wheelchair and look around, be aware of the surroundings but have extreme difficulty speaking if able to speak at all. They would be — that is not saying that some would not remain crib-bound.

But I think we have to reasonably expect that this child might be able to sit up, look around, be aware of parents or good friends, be somewhat apathetic as far as the face is concerned. Maybe for want of better words, we say a lack of per-

sonality. But this is what we could expect and expect that the child would die predictably sooner because of the problems with bowel and bladder function, particularly bladder and the likelihood of severe bladder and therefrom kidney infections.

Q: Doctor, can you state to a reasonable degree of medical certainty whether this child would be able to interact with its environment in any way?

A: At best, to a limited degree.

Here is Dr. Newman on the same subject: "On the basis of the combinations of the malformations that are present in this child she is not likely to ever achieve any meaningful interaction with her environment, nor ever to achieve any interpersonal relationships, the very qualities that we consider human, and that she is capable of experiencing pain."

Having read the same testimony, the Appellate Division of State Supreme Court said, "Careful examination of the testimony [in State Supreme Court] reveals there is no support for its finding that the infant is being deprived of adequate medical care or that her life is in imminent danger without performance of the proposed surgery. Rather, it is a situation where the parents have chosen one course of appropriate medical treatment over another."

It was only as a result of *Newsday's* reporting that indications of a significant disagreement within the medical community emerged.

On November 4, *Newsday* reported that opinion about the case was divided at University Hospital in Stony Brook and that one doctor had discussed the case with U.S. Surgeon General Everett Koop, who spearheaded the government effort to examine Baby Jane's medical records. On November 9, in what even Baer concedes was "one of the best background stories on the case," *Newsday* extensively reported his view of the prognosis for a baby in cases "medically identical" to those of Baby Jane Doe. Dr. Butler did not say his testimony had been incorrectly reported. In fact, he alluded to the court testimony this way: "The worst case would be to have the child, as Baby Jane Doe was painted in court, lying in bed, unable to do anything, having seizures."

Painting a considerably brighter picture

than he had in court, Dr. Butler then added, "This might be a child who with special education could be able to feed himself, talk some, have fun in a very rudimentary kindergarten-type class but not necessarily go home with very much information. Certainly there would be little expectation of pain."

This makes clear that Baer's argument is with Dr. Newman and, to a lesser extent, with Dr. Butler's testimony, which did not indicate sharp disagreement with his colleague. But Baer cannot make out a convincing case against *Newsday*, which first made it clear there was a debate within the medical community about the case.

ANTHONY E. INSOLIA
Editor and senior vice-president
Newsday
Long Island, N.Y.

TO THE REVIEW:

That the *CJR* would print a slanted and incorrect account of my reporting of the sensitive Baby Jane Doe case is appalling. Why *CJR* failed to clearly inform readers that the writer of its story is a former public relations man for a right-to-life organization is beyond me. I stand by the Pulitzer Prize board's decision to award *Newsday* the prize on the basis of careful reporting on the legal, medical, and ethical aspects of this case. If *CJR* continues to print deceptive stories on highly sensitive human issues, will it be able to defend its own code of ethics?

KATHLEEN KERR
Newsday

Hoagland vs. Ledeen

TO THE REVIEW:

Michael A. Ledeen uses the occasion of reviewing Ze'ev Chafets's *Double Vision* (*CJR*, November/December) to get off a couple of cheap shots at *The Washington Post* in general and me in particular. Allow me to respond to two of his more noxious distortions.

Ledeen says that Chafets accuses me, as then foreign editor, and the *Post* of "having deliberately stonewalled a major story out of Lebanon in May 1981." In fact, Chafets himself does not use such a formulation about this incident in his book, where he (inaccurately) accuses me of "stonewalling" for one month in 1982 about the incident. As it happens, I was out of the country in May 1981 when the incident occurred, took no part in the discussions held between the desk and reporter Jonathan C. Randal about it, and learned of it only during a routine discussion of staffing developments on my return in

mid-June. The fact that I was not consulted at the time would indicate that the correspondent and the desk did not consider the incident to be major. As I made clear in the article published in *The Washington Post* on March 4, 1982, in response to Mr. Chafets's original complaints, I concluded "in retrospect, Randal was probably a bit too phlegmatic in dismissing [the incident] so lightly." But, based on what I was told at the time, I agreed with the decision.

Ledeen dwells on my having mentioned, in passing, in my article that Chafets's account of the May 1981 incident had been originally provided by William Farrell of *The New York Times* in July of that year, during a visit to Israel. The reference to Farrell was relevant to my article for two reasons. First, Chafets had consistently said earlier that the incident had occurred in July, apparently because he only learned of it then. Second, Farrell's account was the most dramatic rendition of the incident.

It was not my intent to focus on Farrell in my original article or in this reply, or to place him in any danger, as Ledeen charges that I did. Indeed, Farrell, now based in Washington, has never raised either issue with me. But if he does feel that I placed him in a difficult position, I offer an apology.

In conclusion, I can only surmise that Ledeen has an ulterior purpose in concentrating in a brief review on an incident that was thoroughly hashed over two years ago, and which covers six pages in a 322-page text. He seems intent on spreading a canard pushed by his co-ideologues at *The New Republic* that there is a general Middle East "line" at the editorial and news departments of *The Washington Post*, and that I somehow set it. Nothing could be further from the truth, as the details of this incident and even a smattering of knowledge about the fiercely independent editorialists, editors, and reporters at this newspaper will show.

JIM HOAGLAND
Assistant managing editor
The Washington Post
Washington, D.C.

Michael A. Ledeen replies: *Just three quick points. One, Chafets in his book not only accused Hoagland of "stonewalling"; he also charged him with a "cover-up." Two, on the Farrell incident, Chafets accused Hoagland of lying on two occasions (pages 106, 107). First, according to Chafets, Hoagland said that Chafets named Farrell, which Chafets denied, challenging Hoagland to produce the statement. Hoagland then claimed that Chafets had made the statement in an interview with William Claiborne, to*

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UNFINISHED BUSINESS

which Chafets replied "this was a plain lie." Three: Hoagland has not answered these charges, although he has, rightly, apologized to Farrell. He has also decided that I am a member of a conspiracy, based at The New Republic, bent on attacking him. That's just plain silly.

A dart returned

TO THE REVIEW:

In reference to your Dart to the *Fort Worth Star-Telegram* for a twenty-paragraph story September 8 on our Startext "video-text" (sic) system (CJR, November/December), you have done a disservice due to your ignorance of the facts.

Since the introduction of Startext two years ago, our news department has been reluctant to say much about it for the very reason behind your Dart, namely that peers might consider the newspaper to be promoting an allied enterprise. Thus, despite continuing improvements and growing acceptance, to the point that Startext is the second largest videotex system in the country, readers of *The Dallas Morning News* and viewers of local television shows have known more about Startext than readers of the *Star-Telegram's* news columns. The September news piece you decried was determined to be an appropriate subject, meeting normal news standards, by our editors with no involvement by the Startext operation or the publisher.

PHILLIP J. MEEK
President and publisher
Fort Worth Star-Telegram
Fort Worth, Tex.

Corrections

A Laurel in the November/December issue for an investigative series in the *Cleveland Plain Dealer* misidentified the reporter as John F. Hagan. In fact, the reporters responsible for the series were Gary Webb and Walt Bogdanich (who has since moved on to *The Wall Street Journal*).

Due to a misunderstanding, a Lower case item in the November/December issue was erroneously attributed to *The Nashville Banner*. The item actually appeared in *The Banner* of Cambridge, Maryland.

Deadline

The editors welcome letters from readers. To be considered for publication in the March/April issue, letters should be received by January 18. Letters are subject to editing for clarity and space.

The Lower case

**20,000 at Mass
for Polish priest
reported killed**

The Stars and Stripes 10/29/84

**Reagan goes
for juggler
in Midwest**

The Charleston (W. Va.) Gazette 11/3/84

Hospital offers classes for spanking new grandparents

Suburbia-Reporter (Houston, Tex.) 10/17/84

**Woman off to jail
for sex with boys**

The (Kitchener, Ontario) Record 10/23/84

**Trailing in race,
Mondale concedes**

Hackensack, N.J., Record 10/5/84

**Fossil find
included
CU grads**

Daily Camera (Boulder, Colo.) 9/28/84

Panty pests easy to control

Oconto County, Wis., Reporter 8/8/84

More Dogs Bring Complaints

Martinsburg, W. Va., Evening Journal 10/17/84

70 Church Leaders Meet; Homosexuality Affirmed

The Presbyterian Layman November/December 1984

***Smokers are productive,
but death cuts efficiency***

Belleville, Ill., News-Democrat 10/25/84

Services for man who refused to hate Thursday in Atlanta


(Detroit) Michigan Chronicle 11/17/84

Grover man draws prison term, fine for sex acts

San Luis Obispo, Calif., Telegram-Tribune 6/3/84

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